



# **ENERGY COAST UTC**

## **EXCLUSION POLICY**

**2022-2025**

**Approved:** Barbara Stephens, Chair of Governors

**Signed:** 

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5			

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## **Key Requirements and Legal Duties**

The UTC Exclusion Policy is based on “*Exclusion from maintained schools, academies and pupil referral units in England Statutory - guidance for those with legal responsibilities in relation to exclusion September 2017*”.

The principal legislation to which this guidance relates is:

- the Education Act 2002, as amended by the Education Act 2011;
- the Education and Inspections Act 2006
- The Education Act 1996
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014
- Keeping Children Safe in Education – September 2021

## **Key Principles**

- The exclusion process is applied fairly and consistently.
- Students at Energy Coast 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.
- Disruptive behaviours can be an indication of SEN needs. SEN needs will be considered before an exclusion is applied.

## **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**

Energy Coast 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
- Peer on peer abuse
- Racist, Homophobic and other discriminatory abuse
- Sexual misconduct
- Drug and /or alcohol-related behaviour including the supply and/ or use of tobacco related products
- Damage
- Theft

- Persistent disruptive behaviour
- Weapons-related
- Using the school IT resources to download inappropriate, offensive or racist material

This is not an exhaustive list and there may be other situations where the Principal judges that exclusion is an appropriate sanction.

### **Internal Exclusion**

Internal exclusion is used to diffuse situations that occur in the UTC that require a student to be removed from class or have restricted freedom at breaks, lunchtime or end of the College day, but may not require removal from the College.

Students may be placed in internal exclusion for the following reasons:

- Committing a serious misdemeanour
- Continued failure to respond to other sanctions
- To allow teachers to continue to teach lessons without key identified student

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

### **Fixed Term Suspension**

Definition- for purposes of exclusion or suspension, a school day is defined as any day on which there is a school session. Therefore inset and staff training are not included.

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) 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

The length of time for the Fixed Term suspension may be from lunch or break times, or half a full day up to a total of fifteen days dependent upon the severity of the offence.

An acting Principal can act in place of the Principal if the Principal is absent by virtue of the School Discipline (Pupil exclusions and review)(England) Regulations 2012.

A student who has been excluded will have the reason for his/her suspension explained to them by the Assistant Principal (Pastoral), Head of Key Stage or Head of Year as appropriate so that they understand the nature of their misbehaviour.

A student who has received a Fixed Term suspension sanction, may at the discretion of the Principal, be internally excluded.

Students will be provided with suitable work during the period of suspension for up to 5 days. If the suspension is longer than 5 days, the UTC may arrange suitable full time education from the 6th day, for example at a Pupil Referral Unit or other Alternative Provision (AP).

It is the responsibility of parents/carers to ensure the work is promptly returned to the College. The Head of Key Stage 4 or 5 as appropriate, will ensure work is sent to the student, has been completed and is returned to the student during the reintegration interview.

Where a vulnerable student has been excluded the Assistant Principal (Pastoral) / Designated Safeguarding Lead will ensure the SENCO/Deputy Designated Safeguarding Lead is informed.

### **Contact with a parent/carer**

Once a decision to suspend for a fixed term has been taken, the UTC will immediately contact the student's parents/carers by telephone/text and arrange collection and supervision of the student. The parent/carer will be informed of the reason for their child's Fixed Term suspension and that for the length of the suspension, it is their responsibility to ensure their child is not in a public place during normal school hours unless there is a good reason; parents/carers may be prosecuted if they fail to do this.

The welfare and safety of the student is the prime consideration. A letter will be sent to parents/carers confirming the reasons for the Fixed Term suspension. A parent/carer will also be informed about their rights and how representations can be made.

Where an exclusion exceeds 5 days details of the provision from the 6<sup>th</sup> day will be provided. Details of the 6<sup>th</sup> day provision will include the dates, the start and end times, address and the name of a contact at the alternative provider.

### **Students Returning from Fixed Term Suspension**

All students returning from Fixed Term Suspension 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, as well as any explanation if one has been given. This is a factor which can be taken into account if there is need for further action.

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 suspension can be avoided and behaviour modified to acceptable standards in a partnership between the student, parent/carer and the UTC.
- If appropriate a Behaviour Management Plan (BMP) will be developed and put in place to support the student to return to lessons successfully.

### **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 and the local authority will be informed on the same day of the production of the exclusion letter, 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 the 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 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 providing students with drugs or alcohol or for being in possession of 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.

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;
- Where possible hold a meeting with the student 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.
- c) Any contributing factors that have been identified. For example, the student has suffered bereavement, mental health issues or has been subject to bullying.
- c) That any decision is lawful by being rational; reasonable; fair and proportionate.

The Principal may also make the decision to withdraw an exclusion that has not been reviewed by board of governors.

## **Contact with a Parent / Carer**

Once a decision to permanently exclude has been taken, the UTC will immediately contact the student's parents/carers by telephone/text, to notify them of the decision to exclude. They will be invited to arrange collection and supervision of their child and to meet the Principal (or his/her representative) and will be informed of the reason to permanently exclude. 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/carers 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.

A letter will be sent to parents/carers on the day of the Permanent Exclusion providing them with reasons for the Permanent Exclusion, organisations which can provide advice and guidance and details of the appeals process.

## **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.

## **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 subject to the same sanctions 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 or which could damage the education or welfare of other students. 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 Assistant Principal (Pastoral) is responsible for monitoring the implementation of this 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 Suspension. The Governing Body is responsible for deciding whether or

not to confirm the Principal's decision to permanently exclude a student and arrangements for any appeal.

**Related Policies**

- Behaviour Policy
- Home-UTC Agreement
- Anti-Bullying Policy
- Peer on Peer Abuse Policy
- SEND Policy