



**NORTH NORFOLK ACADEMY TRUST**

# **Exclusion Policy**

**Review frequency:** Every three years  
**Last reviewed:** 2015



Revised arrangements for school exclusion come into force in September 2012. These apply to any student excluded on or after 1st September 2012 from a maintained school, academy, free school or pupil referral unit in England.

Revised regulations and guidance for those with legal responsibilities in relation to exclusion are also now available: *School Discipline (Student Exclusions and Reviews) (England) Regulations 2012*

Guidance from the DfE at: *Statutory Guidance and Regulations on exclusion from September 2012*

### *Aims*

The governing body aims:

- to give appropriate support to the Headteacher in exclusion issues;
- to use its best endeavours to ensure that the school does not interfere with the continuous education of a student beyond what is necessary to modify behaviour;
- to ensure that exclusion is used appropriately within the framework of the school's behaviour policy; and
- to discharge appropriately its statutory duties concerning the consideration of re-instatement of excluded students.

### *Procedures*

These procedures follow statutory advice and DfE guidance.

#### *The decision to exclude*

1. Students should only be excluded:  
in cases of a serious breach or persistent breaches of the school's behaviour/discipline policy and if the continued presence of the student in the school would seriously damage the education or the welfare of other students or staff.
2. Only the Headteacher can exclude - or the person in charge on the day if they are absent from school.

Before deciding to exclude a student the Headteacher will:

- ensure that an appropriate investigation has been conducted;
- ensure that all the relevant evidence has been considered;
- give the student an opportunity to be heard; and
- consult other relevant people if necessary.

Having considered these matters the Headteacher will make a decision based normally on the balance of probability, having regard to any current guidance from the Department.

#### *Factors to be considered before exclusion:*

- an appropriate investigation has been conducted;
- all the relevant evidence has been considered;
- the student's version has been heard; and
- if appropriate, other people have been consulted (not a member of the discipline

committee). If the balance of probabilities has been established, the student may be excluded.

The school will not resort to unofficial exclusions. However, the school may grant leave of absence to a student on request from a parent or direct a student to study elsewhere

## *Alternatives*

For example:

- a restorative justice process—whereby the harm caused to the ‘victim’ can be redressed;
- internal exclusion (removal from class, but not the site); and
- a managed move to another school.

## *When exclusion is inappropriate*

In cases of:

- minor breaches of discipline;
- poor academic performance;
- truancy or lateness;
- pregnancy;
- non-compliance with uniform regulations; and
- in response to the (unacceptable) behaviour/attitude/conduct of a student’s parents.

Exclusions can either be for a fixed term or permanent. Indefinite exclusions are not permissible by law.

## *Fixed-term exclusion*

The Headteacher is permitted to exclude a student for one or more fixed-term periods not exceeding 45 schooldays in any one school year.

While always having regard to the circumstances of a particular case the Headteacher will be likely to use fixed term exclusions in the following kinds of cases. This list does not list every offence for which fixed term exclusion may be used but gives an indication of the kinds of case where it will be used.

- sustained challenge to the authority of a member of staff
- disruption of teaching and learning
- bullying, harassment or abuse (including on the grounds of gender, race, ethnicity, religion or sexual orientation).
- persistent defiance of a school rule
- acts of vandalism or minor physical violence
- using drugs or alcohol on the school site
- conduct likely to bring the school into disrepute

The length of the exclusion will be proportionate to the gravity of the offence and previous exclusions will be taken into account

The school will continue to provide education for an excluded student (whilst he/she remains on roll) and, particularly in the case of an exclusion of more than 15 days, the Headteacher in consultation with the relevant members of staff will consider the following:

- how the student’s education will continue;
- how his/her problems might be addressed in the interim; and
- reintegration post-exclusion.

## *Procedure for excluding a student*

### *1. Informing parents about the exclusion*

The Headteacher should inform parents without delay (by telephone, with a follow-up letter within one schoolday) and should be given the following information:

- in cases of fixed-term exclusions, the length of the exclusion;

- in cases of permanent exclusion, that it is a permanent exclusion;
- the reasons for the exclusion;
- their right to make representations to the discipline committee where applicable;
- the name of the person to be contacted, if they wish to make representations.

Remind parents that they have a right to request the presence of a SEN expert at a review meeting regardless of whether the student has recognised special needs.

The letter to parents should also state:

- the latest date by which the discipline committee must meet to consider the case if this is relevant;
- the parent's right of access to the student's school record;
- the date and time when the student should return to school (with a fixed-term exclusion) or the number of lunch-times for which the student is excluded (with lunch-time exclusions);
- with a permanent exclusion, its immediate effect and any relevant previous history;
- arrangements for the setting and marking of work (it is the parent's responsibility to ensure that work sent home is completed and returned to school);
- the name and telephone number of the LA officer to be contacted for advice; and
- the telephone number of ACE Education Advice CIC and ACE Education Training LLP <http://www.ace-ed.org.uk/> (formerly ACE,)

## 2. *Informing the discipline committee and the LA*

The Headteacher will inform the governors' discipline committee and the LA within one school day of:

- permanent exclusions;
- exclusions totalling more than 5 school days or 10 lunch-times per term;
- exclusions necessitating a student missing a public examination; and
- the Headteacher must inform the discipline committee and the LA of fixed-term exclusions amounting to 5 or fewer school days or 10 or fewer lunch-times (or half days) in total per term on a termly basis.

The Headteacher must include the following in his/her exclusion report:

- the name of the student;
- the duration of the exclusion;
- the reason(s) for the exclusion;
- the student's age, gender and ethnicity;
- whether the student is statemented or is on School Action or School Action Plus; and
- whether he/she is in local authority care.

### *The responsibilities of the governors' discipline committee*

#### 1. *The discipline committee*

The governing body will appoint a discipline committee at the beginning of each academic year, and appoint a chair and a clerk.

The discipline committee will review all exclusions and consider any representations from parents. The governors have decided that for exclusions under 6 days only written representations will be accepted.

- The committee will consider whether reinstatement is a practical option if the exclusion is for 6 days or more;
- the committee may consider more than one exclusion at any one meeting where appropriate;
- in cases where a student will miss a public examination as a result of exclusion, the discipline

committee should endeavour to meet before the date of the examination. In extremis with fixed term exclusions, the chair of the committee may consider the exclusion on his/her own and may reinstate.

## 2. *Discipline committee meetings re exclusions*

- a) On being informed of an exclusion by the Headteacher, the clerk or chair must:
- with fixed-term exclusions totalling fewer than 6 school days in one term, convene a meeting of the discipline committee to consider representations from the parents (if these have been made), but the student cannot be reinstated;
  - in the case of fixed-term exclusions totalling more than 5, but not more than 15 school days, in any one term, convene a meeting to review the exclusion if the parents have asked to make representations between the 6<sup>th</sup> and the 50<sup>th</sup> school day after being notified of the exclusion;
  - in cases of permanent exclusion or where one or more fixed-term exclusions add up to more than 15 days in any one term, arrange a meeting to review the exclusion between the 6<sup>th</sup> and the 15<sup>th</sup> school day after being notified of the exclusion;
  - invite the parent, Headteacher to attend at a mutually convenient time and place;

and should

- request written statements before the meeting; and
  - circulate any such written statements (including any statements from witnesses) and a list of those due to attend in advance to all interested parties.
- b) The meetings should be conducted in accordance with the principles set out in government guidelines. The parent may be accompanied by a friend or a legal representative. The excluded student would usually be allowed to attend and to speak if the parent requests this. A student aged 18 or over is allowed to attend and to make representations in his/her own right.
- c) The committee must comply with the statutory time limits, but is not absolved of its legal duties in the event of non-compliance (i.e., its decision remains valid even if it was made out of time).

### *Liaison with parents*

At all stages the Headteacher is expected to seek parental co-operation.

### *Drug-related exclusions*

Any decision to exclude must be based on the criteria spelled out in the school's drug policy which also cover the school's approach to legal drugs.

### *Lunchtime exclusion*

The Headteacher can exclude a disruptive student for the duration of a lunch break.

### *Permanent exclusion*

A decision to exclude a student permanently, as befitting its gravity, should only be taken as a last resort when a wide range of strategies for dealing with disciplinary offences has been employed to no avail or if an exceptional 'one-off' offence has been committed:

- serious violence, actual or threatened, against a student or member of staff;
- sexual abuse or assault;
- supplying an illegal drug; and
- carrying an offensive weapon.

or any other one-off offence considered by the Headteacher to be an exceptionally serious one.

### *Off-site behaviour*

In certain circumstances at the discretion of the Headteacher, the school will treat poor behaviour off-site as though it occurred on the premises.

### *Equal opportunities*

In making decisions about exclusion the Headteacher and discipline committee will take into account any special educational needs, disabilities, gender, and cultural differences that may be relevant to the case. The Headteacher will consider the advice in published codes of practice.

### *Monitoring and review*

The Headteacher will report at least annually on the number and type of exclusions and their outcome.

The discipline committee will review the working of this policy, make an annual report to the governing body, and make recommendations as necessary to the governing body.