

TRINITY ACADEMY NEWCASTLE TRUST

EXCLUSION POLICY

Approved by the Committee - October 2017

On behalf of the Board

To be reviewed – October 2018

EXCLUSION POLICY

INTRODUCTION

All schools have the legal right to impose reasonable sanctions if a pupil misbehaves. Physical punishment is illegal; but sanctions for misbehaviour that a school might use include: a reprimand, a letter to parents or guardians, removal from a class or group, loss of privileges, confiscation of a possession that is inappropriate in the classroom, detention, or in serious cases or persistent incidents of misconduct, exclusion. Exclusion, whether temporary or permanent, is used as a last resort. Permanent exclusion is used only in the most serious circumstances.

Trinity Academy ('the School') has a set of general rules which are designed in order that the School may be a safe, happy and caring place where members of the School community show consideration, concern and respect for each other. These rules are found in the School's Behaviour Policy. All pupils are expected to comply with the School's Behaviour Policy.

Aims

This policy deals with the School's policy and procedure which informs the School's use of exclusion. It contains guidelines, which may be adapted as necessary, explaining the circumstances and sorts of behaviour that could result in exclusion.

GENERAL REWARDS AND SANCTIONS

The School encourages the establishment of good teacher/pupil relationships and support for the School's values through a system of recognitions and rewards which are designed to promote a calm, disciplined learning environment. Where a pupil's behaviour falls below the standard expected and/or a pupil fails to comply with the School's Behaviour Policy, an appropriate sanction will be applied.

SANCTIONS FOR BREACHES OF DISCIPLINE

The teacher is responsible in the first instance for dealing with minor infringements, such as lateness, casual rudeness in class, late or poorly completed work. This is dealt with through the schools Power of Choice Reward system. The pupil may be brought back at lunch break or another time during the school day or be placed in an Academic Detention.

The Head may issue an exclusion (permanent or fixed period) for a pupil, for very serious indiscipline, or for less serious offences where behaviour issues have been repeated. The nature of the exclusion will be determined by the circumstances of the pupil concerned. If a fixed term exclusion is ineffective, the School may decide to permanently exclude the pupil.

Exclusion types

- Fixed period exclusion is where a pupil is excluded for a fixed number of days or lunchtimes and must return to the school once the exclusion has ended. A decision to exclude for a fixed period should be taken only in response to breaches of the school's behaviour policy, where these are not serious enough to warrant permanent exclusion and lesser sanctions are considered inappropriate.

- Permanent exclusion means a pupil cannot return to the school they are excluded from unless the school governing body, or an Independent Appeal Panel, overturns the Head Teacher's decision. The decision to exclude permanently is a serious one. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the pupil and should normally be used as a last resort.

Fixed period exclusions are limited to a cumulative total of 45 days in any one academic year (lunchtime exclusions count as half days). This total applies to the child and not to the school they attend. Therefore, if a pupil changes school during an academic year, any previous exclusions in that academic year count towards the limit of 45 days.

Informing of an exclusion

Head Teachers will contact parents/carers on the day the decision is made to exclude their child, ideally by phone. A letter must follow confirming the details of the exclusion and how parents can have their say to the school governing body.

Rights of appeal

The school governing body must consider any views you wish to put about the exclusion. You can put your views:

- In a written statement for all exclusions and/or
- In person, for permanent exclusions and fixed period exclusions totaling more than 5 days in a term. You can take a friend or legal representative with you, someone whose advice you would find helpful or who can speak on your behalf. Excluded children under the age of 18 should be allowed and encouraged to attend the meeting.

Details of how you can have your say to the school governing body will be sent to you in the exclusion notification letter.

Pupils who are aged 18 or over can make their own representations.

Role of the governing body

Schools have a committee whose role is to consider exclusions imposed by the Head Teacher. It has at least three members and a clerk to organize its meetings. The Head Teacher cannot be a member.

The committee must decide "on the balance of probabilities" whether your child has done what has been alleged and whether the Head Teacher's decision to exclude was justified based on the evidence.

The committee must send you written confirmation of its decision within one school day of its meeting. A note will be placed on your child's school file together with copies of relevant papers.

SERIOUS OFFENCES

A 'Serious Offence' refers to a breach of school rules that may result in exclusion.

Examples of such behaviour include:

- Drug abuse
- Supply/possession/use of controlled drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco
- Alcohol abuse
- Theft
- Bullying, including e-Bullying
- Physical assault/ threatening behaviour
- Fighting
- Sexual harassment
- Racist abuse
- Inappropriate and/or sexual misconduct
- Damage to property
- Persistent disruptive behaviour
- Parental or pupil behaviour which, in the Head's reasonable opinion, leads the Head to believe that removal of the pupil from the School is in the best interests of the School or the pupil
- Bringing the School into disrepute

The above is not an exhaustive list and there may be other situations where the Head makes the judgment that exclusion is an appropriate sanction.

A pupil may also be required to leave if, after all appropriate consultation, the Head is satisfied that it is not in the best interests of the pupil, or of the School, that they remain at the School.

The School will make reasonable adjustments for managing behaviour which is related to a pupil's disability. Where exclusion needs to be considered, the School will ensure that a disabled pupil is able to present their case fully where their disability might hinder this.

Behaviour outside School

Pupils' behaviour outside School on school "business" - for example school trips and journeys away school sports fixtures or a work experience placement - is subject to School policies including the School's Behaviour Policy. Inappropriate behaviour in these circumstances, including incidents where it is considered that the School has been brought into disrepute, will be dealt with as if it had taken place in School and in accordance with School policies, and this policy, where the circumstances warrant it.

Malicious Allegations against Staff

A pupil who is found to have made malicious allegations against a member of school staff will be managed in accordance with this policy which may result in permanent exclusion from the School.

Principle to act

The School's procedure is based on the principle to act fairly.

The rules are therefore concerned with the manner in which a decision is taken. The over-arching principle is a duty to act fairly. Whilst the precise procedure to be followed in a given situation depends on the circumstances of the case, some key principles are as follows:

- A fair and thorough investigation should take place
- Pupils must be informed of the allegation and the evidence relied upon
- Pupils must be given a fair opportunity to exculpate themselves
- An appeal of the Head's decision should be offered.

Investigation

The Head will ensure that a fair and thorough investigation will be held into the allegations against an individual pupil and/or the reasons why an exclusion has been sort.

The investigation will, when appropriate, be carried out by the Head or by a member of the senior site team. The Head of school can appropriately appoint the designated member of staff to carry out the investigation.

Before a decision to exclude can be fairly taken it is essential to establish the facts. If exclusion is being considered then statements should be taken from all pupils and staff who were involved in or witnessed the incident.

What are my responsibilities as a parent or carer during exclusions?

If your child is of compulsory school age, for the first 5 days of any exclusion:

- You have a legal duty to ensure that your child is not present in a public place during school hours unless you can prove reasonable justification for this. You may be prosecuted or given a fixed penalty notice if you do not comply with this duty.
- School will set work for your child to do. It is your responsibility to ensure this is completed and returned to the school for marking.

Policy Links:

This policy should be read in conjunction with the following school policies/guidance:

- Attendance;
- Anti-bullying;
- Positive Handling;
- Safeguarding Children;
- Teaching and Learning.
- Behaviour and Discipline in schools, DEF 2014 guidance
- Complaint Policy.
- Equality and Diversity Policy.

Signed on behalf of the Governing Body:

A handwritten signature in black ink, appearing to read 'P. J. Carter', with a long horizontal stroke extending to the right.

Peter Carter (Chairperson of the Board)

Date: 11.10.17