

TRINITY TRUST NEWCASTLE TRUST

EXCLUSION POLICY

Approved by the Committee – July 2023

On behalf of the Board

To be reviewed – July 2024

EXCLUSION POLICY

INTRODUCTION

All academies have the legal right to impose reasonable sanctions if a learner misbehaves. Physical punishment is illegal; but sanctions for misbehaviour that an academy 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 Newcastle Trust ('the Academy') has a set of general rules which are designed in order that the Academy may be a safe, happy and caring place where members of the Trust community show consideration, concern and respect for each other. These rules are found in the Trust's Behaviour Policy. All learners are expected to comply with the Trust's Behaviour Policy.

Aims

This policy deals with the Trust's policy and procedure which informs each Academy'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.

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Our Trust aims to:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents and learners understand the exclusions process
- Ensure that learners in school are safe and happy
- Prevent learners from becoming NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully

Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and learner referral units in England, including learner movement](#) May 2023

It is based on the following legislation, which outlines schools' powers to exclude learners:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011;
- the School Discipline (Learner Exclusions and Reviews) (England) Regulations 2012;

In addition, the policy is based on:

- the Education and Inspections Act 2006;
- the Education Act 1996; and
- the Education (Provision of Full-Time Education for Excluded Learners) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Learners) (England) (Amendment) Regulations 2014

GENERAL REWARDS AND SANCTIONS

The Trust encourages the establishment of good teacher/learner relationships and support for the Trust's values through a system of recognitions and rewards which are designed to promote a calm, disciplined learning environment. Where a learner's behaviour falls below the standard expected and/or a learner fails to comply with the Trust'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 Trust's Power of Choice Reward system. The learner may be brought back at break time and/or lunch break or another time during the academy day to be placed in an Academic Detention.

The Head of School may issue an exclusion (permanent or suspension) for a learner, 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 learner concerned. If a suspension is ineffective, the Academy may decide to permanently exclude the learner.

Exclusion types

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

Following a suspension a reintegration meeting will take place. These meetings will have a positive tone and will identify and record any support needs or tailored intervention required. The learner will have a voice in these meetings, considering the age and their understanding.

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

Suspensions 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 academy they

attend. Therefore, if a learner changes academy during an academic year, any previous exclusions in that academic year count towards the limit of 45 days.

Deciding whether to suspend or permanently exclude

Only the Head of School can suspend or permanently exclude a learner from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The Head of School will only use permanent exclusion as a last resort.

A decision to suspend or exclude a learner will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the learner to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend or exclude a learner, the Head of School will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the learner to give their version of events
- Consider the learners special educational needs (SEN)
- Consider whether the learner is especially vulnerable (e.g. the learner has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as off-site direction or bespoke offer

The Head of School will consider the views of the learner, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Learners who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The Head of School will not reach their decision until they have heard from the learner, and will inform the learner of how their views were taken into account when making the decision.

Informing of an suspension or permanent exclusion

If the Head of School decides to suspend or permanently exclude a learner, the parents will be informed of the period of the exclusion and the reason(s) for it, without delay, ideally by phone.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the suspend or permanently exclude
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent

- Information about parents' right to make representations about the suspension or permanently exclude n to the governing board and how the learner may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a learner, and that parents have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend

The Head of School will also notify parents without delay and by the end of the afternoon on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion, the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- Parents may be given a fixed penalty notice or prosecuted if they fail to do this

Informing the governing board

The Head of School will, without delay, notify the Chair of the Board of Directors of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a learner
- Any suspension or permanent exclusion which would result in the learner being suspended or permanently excluded for a total of more than 5 school days in a term
- Any suspension or permanent exclusion which would result in the learner missing a National Curriculum test or public exam

Informing the local authority (LA)

The Head of School will notify the LA of all permanent exclusions without delay.

The notification will include:

- The reason(s) for the permanent exclusion
- The length of a suspension which moves to a permanent exclusion, the fact that it is permanent

For a permanent exclusion, if the learner lives outside Newcastle LA in which the school is located, the Head of School will also, without delay, inform the learner's 'home authority' of the exclusion and the reason(s) for it.

Informing the learner's social worker and/or virtual school head (VSH)

If a:

- **Learner with a social worker** is at risk of suspension or permanent exclusion, the Head of School will inform **the social worker** without delay
- **Learner who is a looked-after child (LAC)** is at risk of suspension or permanent exclusion, the Head of School will inform **the VSH** without delay

This is in order to work together to consider what factors may be affecting the learner's behaviour, and what further support can be put in place to improve the behaviour.

If the Head of School decides to suspend or permanently exclude a learner with a social worker / a learner who is looked after, they will inform the learner's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the learner
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the learner's ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the learner's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the learner's welfare are taken into account.

Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, the Head of School will take steps to ensure that achievable and accessible work is set and marked for the learner.

In every case the school will take reasonable steps to set and mark work for the learner, including the use of online programmes.

Rights of appeal

The Trust Board of Directors must consider any views you wish to make 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 Trust Board of Directors will be sent to you in the exclusion notification letter.

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

The role of the governing body

The Trust has a committee whose role is to consider exclusions imposed by the Head of School. It has at least three members and a Governance Professional to organise its meetings. The Head of School 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 of School's decision to exclude was justified based on the evidence.

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

Monitoring and analysing suspensions and exclusions data

The governing board will challenge and evaluate the data on the school's use of suspension, permanent exclusion and off-site direction to alternative provision.

The governing board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where learners receive repeat suspensions
- Interventions in place to support learners at risk of suspension or permanent exclusion
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- Timing of suspension and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded learners, and why this is taking place
- Whether the placements of learners directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that learners are benefiting from it

Boards should carefully consider the level of learner moves and the characteristics of learners who are moving on any permanent exclusions to ensure the sanction is only used when necessary as a last resort.

The local authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

For learners who are LAC or have social workers, the LA and the school will work together arrange suitable full-time education to begin from the first day of the exclusion.

SERIOUS OFFENCES

A 'Serious Offence' refers to a breach of trust 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 learner behaviour which, in the Head's reasonable opinion, leads the Head to believe that removal of the learner from the Academy is in the best interests of the Academy or the learner
- Bringing the Academy into disrepute

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

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

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

N.B. A deliberate act of assault on a member of staff or another learner will result in an automatic suspension.

Behaviour outside Academy

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

Malicious Allegations against Staff

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

Principle to act

The Trust'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 overarching 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
- Learners must be informed of the allegation and the evidence relied upon
- Learners must be given a fair opportunity to exculpate themselves
- An appeal of the Head's decision should be offered.

Investigation

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

The investigation will, when appropriate, be carried out by the CEO or by a member of the senior site team. The CEO 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 learners 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 academy 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.
- Academy will set work for your child to do. It is your responsibility to ensure this is completed and returned to the academy for marking.

Requests for remote access meetings for governing board meetings or IRPs

Parents (if the learner is under 18) or excluded learners (if they are aged 18 years or older) can request a meeting to be held via the use of remote access but this should not be a default option. Governing boards or arranging authorities must hold the meeting via the use of remote access, if the request has been made correctly as set out in the head of school's written notification or the governing board's written notification to the parents that they can request an IRP. Holding meetings via remote access must only be done if governing boards or arranging authorities are satisfied that the meeting is capable of being held fairly and transparently.

Reintegration meetings

The school will explain the reintegration strategy to the learner in a reintegration meeting before or on the learner's return to school. During the meeting the school will communicate to the learner that they are getting a fresh start and that they are a valued member of the school community.

The learner, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend.

The school expects all returning learners and their parents to attend their reintegration meeting, but learners who do not attend will not be prevented from returning to the classroom.

Policy Links:

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

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

Signed on behalf of the Board:

A handwritten signature in black ink, appearing to read "P. J. Carter". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Peter Carter (Chairperson of the Board)

Date: July 2023