

**TRINITY TRUST NEWCASTLE TRUST**

**EXCLUSION POLICY**

**Approved by the Committee – March 2022**

**On behalf of the Board**

**To be reviewed – March 2023**

## **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. This policy is written using the guidance of Exclusion from maintained schools, academies and pupil referral units in England (DfE 00184-2017).

### **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.

### **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 fixed period) 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 fixed term exclusion is ineffective, the Academy may decide to permanently exclude the learner.

### **Exclusion types**

- Fixed period exclusion 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.

- 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.

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 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.

### **Informing of an exclusion**

The Head of School or Deputy Head 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 Trust Board of Directors.

### **Rights of appeal**

The Trust Board of Directors 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 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.

### **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.

## **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 student will result in an automatic fixed term exclusion.

### **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.

### **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', with a long horizontal flourish extending to the right.

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**Peter Carter (Chairperson of the Board)**

**Date: March 2022**