



# Exclusion of Students Policy

## Introduction

In light of experience and best practice, the effectiveness of this policy will be monitored annually. This mechanism recognises that changes in legislation may prompt a review of the policy before its review date.

We are committed to safeguarding and promoting the welfare of children and young people, and expect all staff, partners and volunteers to share this commitment.

This policy applies to all activities undertaken by the Academy in pursuing its purpose as an educational institution whilst serving its students, community and wider stakeholder interests.

All policies are subject to Equality Impact Assessments. Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a different impact on grounds of race, gender, disability, age, religion or sexual orientation.

If you require this document in an alternative format and/or language, please contact our Executive Support Officer, Mrs Christine Connolly.

We are always keen to hear suggestions regarding Academy policies.

To make suggestions or to see further information please contact:

### Executive Support Officer

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### For all Consett Academy enquiries, please contact

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### Footnote

In an effort to keep costs to a minimum, a conscious decision has been made not to print out this document and it would be appreciated that you refer to the copy and relevant Appendices available on the Website/VLE.

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## **1. Statement**

Good discipline in all our Academies is essential to ensure that all students can benefit from the opportunities provided by education. The Government supports Principals in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches, of the Academy's Behaviour & Rewards Policy; and where allowing the student to remain in the Academy would seriously harm the education or welfare of the student or others in the Academy.

The decision to exclude a student must be lawful, reasonable and fair. Academies have a statutory duty not to discriminate against students on the basis of protected characteristics, such as disability or race. Academies should give particular consideration to the fair treatment of students from groups who are vulnerable to exclusion.

In discharging their duties the Executive Principal, Principal and Governors will have regard to DfE guidance on exclusions. This guidance is contained within the document 'Exclusion from maintained Schools, Academies and Student Referral units in England', September 2017. The guidance must be read and applied in conjunction with this policy.

## **2. Principles for Applying this Policy**

Disruptive behaviour can be an indication of unmet needs. Where an Academy has concerns about a student's behaviour it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation Academies should give consideration to a multi-agency assessment that goes beyond the student's educational needs.

The Executive Principal/Principal must explore all measures available to them in order to minimise the number of exclusions in their Academy.

A number of options may be available to the Executive Principal/Principal in response to a serious breach of Behaviour & Rewards Policy:

- a) **restorative justice** which enables the offender to redress the harm that has been done to a 'victim', and enables all parties with a stake in the outcome to participate fully in the process;
- b) **mediation** through a third party, usually a trained mediator, is another approach that may lead to a satisfactory outcome, particularly where there has been conflict between two parties, e.g. a student and a teacher, or two students;
- c) **internal exclusion** which can be used to defuse situations that occur in Academies that require a student to be removed from class but may not require removal from the Academy premises;
- d) **managed move** to another Academy within the New College Durham Academies Trust. Executive Principal/Principal must work in partnership to provide the best environment for students to succeed. This should only be done with the full knowledge and cooperation of all the parties involved;
- e) **managed move** to another school to enable the student to have a fresh start in a new school. This should only be done with the full knowledge and cooperation of all the parties involved.

A decision to exclude a student permanently should only be taken:

- where the student poses a significant safeguarding risk to themselves, other students and staff;
- in response to a serious breach, or persistent breaches, of the Academy's Behaviour & Rewards Policy and;

- where allowing the student to remain in the Academy would seriously harm the education or welfare of the student or others in the Academy.

When establishing the facts in relation to an exclusion decision the Executive Principal/Principal must apply the civil standard of proof, i.e. 'on the balance of probabilities', rather than the criminal standard of 'beyond reasonable doubt'.

The final decision on whether to exclude is for the Executive Principal/Principal to take. However, where practical, the Executive Principal/Principal should give students an opportunity to present their case before taking the decision to exclude.

Whilst an exclusion may still be an appropriate sanction, the Executive Principal/Principal should take account of any contributing factors that are identified after an incident of poor behaviour has occurred.

A student may be excluded for one or more fixed periods (up to a maximum of 45 Academy days in a single year), or permanently.

A fixed term exclusion cannot be extended or converted into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a fixed term exclusion may be issued to begin immediately after the first period of exclusion ends; or permanent exclusion may be issued to begin immediately after the end of the fixed term exclusion.

Where a fixed term exclusion is followed by a permanent exclusion, these are not treated as consecutive for the purpose of calculating the sixth day provision. Students whose behaviour at lunchtime is disruptive may be excluded from the Academy premises for the duration of the lunchtime period.

The behaviour of students outside the Academy can be considered as grounds for exclusion (for example, unacceptable behaviour on a contracted bus). This will be a matter of judgement for the Executive Principal/Principal in accordance with the Academies published Behaviour & Rewards Policy.

Any decision of an Academy, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and an Academy's wider legal duties, including the European Convention of Human Rights); rational; reasonable; fair; and proportionate. When establishing the facts in relation to an exclusion decision the Executive Principal/Principal must apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.

Informal or 'unofficial' exclusions, such as sending students home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a student, even for short periods of time, must be formally recorded.

### **3. Roles & Responsibilities**

#### **The Executive Principal/Principal will:**

Adhere to the DfE guidance contained within the document 'Exclusion from maintained Schools, Academies and Student Referral units in England', September 2017.

The Executive Principal/Principal is authorised to recommend students for permanent exclusion only.

**The Local Governing Body will:**

- consider parents' representations about an exclusion and to consider all exclusions upon a number of factors;
- delegate their functions with respect to the consideration of an exclusion decision to a designated sub-committee consisting of at least three governors. This sub-committee must apply the statutory guidance provided by the DfE.

**The Academies Trust will:**

- ensure the policy is fully adhered and reviewed;
- arrange an independent review panel as detailed in the DfE guidance Section 8. If applied for by parents within the legal timeframe, at their own expense, arrange for an independent review panel hearing to review the decision of a governing body not to reinstate a permanently excluded student;
- constitute the panel with either three or five members (as decided by the Academy Trust) representing each of the three categories described in the DfE guidance;
- appoint a clerk to provide advice to the panel and parties to the review on procedure, legislation and statutory guidance on exclusions;
- ensure that all panel members and clerks have received training within the two years prior to the date of the review;
- must appoint a SEN expert (if required) to attend the panel and cover the associated costs of this appointment.

**Senior leaders will ensure that:**

Support the Executive Principal/Principal and ensuring that reasonable steps are taken to are provided work during an fte; support the marking of that work and provide opportunities to reintegrate a child to manage future behaviour.



#### **4. Informing parents about an exclusion**

When the decision has been taken by the Executive Principal/Principal to exclude a student, parents will be notified as soon as is practical, often by telephone in the first instance. During this communication, the reason(s) for the exclusion will be communicated, for how long the exclusion will last and agreement reached on an integration date and time. This communication will be followed by a letter (via Royal Mail/hand delivered) outlining in writing. The Executive Principal/Principal will Adhere to the DfE guidance contained within the document 'Exclusion from maintained Schools, Academies and Student Referral units in England', September 2017.

During the period of the exclusion parents must ensure their child is not present in a public place at any time during school hours, this includes the Academy building and grounds. It is an offence for the parent not to comply with this duty. If an excluded student is found in a public place, the Academy has the right to call the police to have the student removed.

#### **5. History of Policy Reviews**

<b>Implementation Date</b>	
<b>1<sup>st</sup> Review Date</b>	September 2018
<b>2<sup>nd</sup> Review Date</b>	May 2019
<b>3<sup>rd</sup> Review Date</b>	September 2019
<b>4<sup>th</sup> Review Date</b>	September 2020
<b>5<sup>th</sup> Review Date</b>	September 2021

#### **6. Associated Documentation**

This policy and its accompanying Policy into Practice are underpinned and shaped by the relevant legislation and guidance including:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006;
- The Education (Provision of Full-Time Education for Excluded Students) (England) (Amendment) Regulations 2014;
- DfE guidance, A summary of the governing body's duties to review the head teacher's exclusion decision);
- Exclusion from maintained Schools, academies and student referral units in England', September 2017;
- Equality Act 2010.