

Name of Policy: Exclusion Policy – Expulsion and Fixed Term Exclusion	Version/Last Review Date: Date: September 2023 (V5)
Statutory documents linked to policy: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921405/20170831_Exclusion_Stat_guidance_Web_version.pdf https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1181584/Suspension_and_permanent_exclusion_guidance_september_23.pdf https://www.gov.uk/government/publications/behaviour-in-schools--2 It would be helpful to read this guidance alongside: <ul style="list-style-type: none"> • School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 • The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014 • The School Discipline (England) (Coronavirus) (Pupil Exclusions and Reviews) (Amendment) Regulations 2020 	Previous Review Date: June 2022 (V4) June 2019 (V3) March 2016 (V2) April 2013 (V1)
Other Policies linked to this policy: Behaviour and Discipline	Next Review Date: September 2025
Governor Committee Responsible	FPP

Exclusion Policy September 2023

Safeguarding Statement of Intent

West Newcastle Academy is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. Every pupil should be able to participate in all school activities in an enjoyable and safe environment and be protected from harm. This is the responsibility of every adult employed by or invited to deliver services at to the school. We recognise our responsibility to safeguard and promote the welfare of all our pupils by protecting them from physical, sexual or emotional abuse, neglect and bullying.

West Newcastle Academy is committed to safeguarding and promoting the welfare of children and young people through rigorous application of Safer Recruitment processes. All applications for staff positions in the school are thoroughly vetted in accordance with policy. DBS checks are undertaken for all staff and for volunteers who work on a regular basis in school.

Good behaviour in schools is essential to ensure that all pupils benefit from the opportunities provided by education. As a last resort school exclusions, managed moves and off-site direction are essential behaviour management tools for headteachers and can be used to establish high standards of behaviour in schools and maintain the safety of school communities.

This policy has been updated to reflect the government's ambition to create high standards of behaviour in schools so that children and young people are protected from disruption and are in a calm, safe, and supportive environment that brings out the best in every pupil.

Specific changes to the legislation governing the disciplinary school suspension and permanent exclusion process have been made and so changes have been made to the guidance to reflect this. Permanent exclusions will sometimes be necessary as a last resort to maintain this environment.

The following is a list of updates:

- New guidance and amended regulations⁵ about a headteacher's ability to cancel an exclusion before the governing board has met to consider whether the pupil should be reinstated. This practice is sometimes known as withdrawing or rescinding an exclusion. If this occurs, the parents⁶, the governing board and the local authority, must be notified and, if relevant, the social worker and VSH.
- Governing board reinstatement meetings and IRPs can now be held via the use of remote access (for example, live video link) for suspension and permanent exclusions if requested by the parents, provided certain criteria are satisfied. Meetings held via the use of remote access should not be a default option and face to face meetings should always be encouraged. Further information is set out in Part Eleven.

1. Exclusions Policy and Procedures

This Policy should be read in conjunction with the school's Behaviour Policy, Anti-Bullying Policy, SEND Policy and Equality Policy.

Whilst the list is not intended to encompass all situations, a clear division between acceptable and unacceptable behaviours should be obvious, and the statement of principles should guide the school staff and authorities.

This policy and the procedure contained within are subject to any new changes introduced by the Secretary of State for Education and the Department for Education. This policy complies with the Department for Education's, 'Exclusion from maintained schools, academies and pupil referral units in England', September 2017 and update in June 2022.

The Department for Education changed the term 'Fixed Term Exclusion' (FTE) to 'Suspension' from September 1st 2021.

2. Acceptable and unacceptable behaviours

- The School is responsible for communicating to pupils, parents and staff its expectations of standards of conduct.
- A range of policies and procedures are in place to promote good behaviour and appropriate conduct, as described in the Behaviour Policy and the Anti-Bullying Policy and in guidance from the school.
- Each case is treated individually. Pupils should be made aware that they are responsible for their own behaviour and that breaking rules will lead to sanctions.
- No exclusion will be initiated without first exhausting other strategies or, in the case of a single incident, a thorough investigation.
- The investigation may be carried out by the Headteacher or by a person appointed by the Headteacher.
- However, the final decision to exclude must be made by the Headteacher.

3. Summary of procedures for dealing with major breaches of discipline

The Headteacher may exclude a pupil in response to serious or persistent breaches of the school's Behaviour Policy and/or Anti-Bullying Policy and where allowing the pupil to remain would seriously harm the education or welfare of the pupil or others in the School. The Headteacher should

contact the parents immediately and provide them with a written notice of the exclusion stating clearly the reasons for it.

- A meeting involving parents, the pupil and support agencies (where applicable) should be convened. The Headteacher may decide to permanently exclude a pupil after completing a thorough investigation and consulting the Governing Body.
- Parents have the right to request a meeting with a group of Governors for suspensions of 6 school days or more (or in instances where the total number of exclusions for a pupil exceeds 15 school days in one term). The Headteacher must convene a meeting with Governors within 15 school days.
- The Headteacher should offer a reintegration interview following a suspension. If the parents are not satisfied with the decision of the Governors', they have the right to request a review from an Independent Review Panel.
- This right is still available if the parents did not attend the meeting with Governors.

4. General reasons for exclusion

A decision to exclude a pupil, either for a fixed period or permanently is seen as a last resort by the school. The decision to exclude should be lawful, reasonable and fair.

General reasons for exclusion may include:

- A serious breach of the school's rules or policies.
- Persistent breaches of the school's rules or policies.
- Risk of harm to the education or welfare of the pupil.
- Risk of harm to the education or welfare of others in the school.

5. Persistent or cumulative problems

- The school will monitor and record behaviour in order to promote good behaviour and a positive learning environment; however, noting recurring or not-improving behaviour issues may lead to a higher level of sanction being necessary.
- The school will adhere to the provisions of the Equality Act 2010 when making a decision to exclude a pupil. The school will not exclude a pupil for a non-disciplinary reason (such as additional needs or disability, academic attainment or ability, and/or the actions of the parents).
- Exclusion for a period of time from half-a-day to five-days for persistent cumulative problems would be imposed
- only when the school had already offered and implemented a range of support and management strategies, as detailed in its Behaviour Policy.

6. Single incident

- Suspensions may be used in response to a serious breach of school rules and policies or a disciplinary offence. In such cases, the Headteacher will initiate the investigation of the incident thoroughly and consider all evidence to support the allegation, taking account of the school's policies.
- The pupil will be encouraged to give their version of the events and a check will be made as to whether the incident may have been provoked, for example by bullying or harassment of any kind.

- When establishing the facts, the Headteacher will apply the civil standard of proof (i.e. 'on the balance of probabilities'). The Headteacher will also consider any contributing factors that may mitigate the situation.
- The Headteacher will inform the Chair of Governors. In certain circumstances, suspension may become permanent after a full investigation.

7. Behaviour outside school

- Pupils' behaviour outside school on school business (for instance on outdoor learning or at a sports fixture) is subject to the school's Behaviour Policy. Poor behaviour in such circumstances will be dealt with as if it had taken place in school.
- For other behaviour outside the school, the Headteacher may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole, or if it is deemed to be damaging to the reputation of the school.

8. Types of exclusions

a). Suspensions

Suspensions should be for the shortest time necessary. Ofsted evidence suggests that one to three days is usually enough to secure benefits without adverse education consequences.

For the purposes of this policy:

- If a pupil is excluded during the morning session, the exclusion takes effect from the start of the afternoon session.
- If a pupil is excluded during the afternoon session, the exclusion takes effect from the next school day.

b). Permanent exclusion

Permanent exclusion is a very serious decision and the Headteacher will consult the Chair of Governors as soon as possible. As with suspensions, it will follow a range of behaviour management strategies and be seen as a last resort, or it will be in response to a very serious breach of school rules and policies, or a disciplinary offence, such as:

- Serious, actual or threatened violence against another pupil or a member of staff;
- Possession or use of an illegal drug on school premises;
- Carrying or use of an offensive weapon;
- Persistent bullying; or
- Persistent racial harassment.

9. Procedure for a suspension

If the Headteacher decides to exclude a pupil for a fixed period of time, they will:

- Inform the Chair of Governors and Local Authority (LA);
- Ensure that there is sufficient recorded evidence to support the decision;
- Explain the decision to the pupil;
- Contact the parents, explain the decision and ask that child be collected;
- Write to the parents confirming the reasons for the suspension, whether it is permanent or fixed term, its length, and any terms or conditions agreed for the pupil's return, within one school day;
- In cases of more than a day's suspension, ensure that appropriate work is set and that arrangements are in place for it to be marked (parents will be asked to sign on receipt); and

- Plan a meeting with the parents and the pupil on their return and how the school will address the pupil's needs through a reintegration interview.
 - If a suspension is for 5 school days or less, no action is required from the Governors.
 - If a suspension is for 5 school days or more, or where the total number of exclusions for the pupil has reached 15 or more school days in one term, the Governors must convene a meeting within 15 school days to review the decision.
 - When a pupil is suspended/excluded, the governing body has a duty to consider parents' representations about the exclusion.
 - The governing body will usually delegate that responsibility to the chair of governors.
 - Whether an exclusions panel is required and the power it has regarding the exclusion depends on the circumstances.
 - Where one is required, the selected governors should meet to review the headteacher's decision.

They have the power to do one of two things:

- Uphold the headteacher's decision to exclude
- Reinstatement the pupil

If a pupil has received multiple suspensions for 5 school days or less, but the total number of excluded days is between 6 to 15 school days; or in the instance where the pupil has been excluded for more than 5 school days; the Governors must convene a meeting within 50 school days to review the suspension if the parent requests it.

10. Procedure for a permanent exclusion

If the Headteacher decides to exclude a pupil permanently, they will:

- Communicate the decision to permanently exclude with the Chair of Governors and LA
- Ensure that there is sufficient recorded evidence to support the decision;
- Explain the decision to the pupil;
- Contact the parents, explain the decision and ask that child be collected;
- Write to the parents confirming the reasons for the permanent exclusion;
- Ensure that appropriate work is set and that arrangements are in place for it to be marked and
- Arrange a meeting with Governors, to meet within 15 school days of the exclusion and review the decision.

The decision of the Governors should be conveyed to the parents and the Headteacher and the Local Authority within 5 school days.

Upon receipt of the decision letter from the Governors, the parents have the right to have the decision of the Governors reviewed by an Independent Review Panel.

11. Procedure for a review by the Governors

- If an exclusion triggers a review by the Governors, then the matter should be heard within 15 school days (or within 50 school days depending on the length/cumulative length of the exclusion). The group must be formed of at least three governors.
- The parents, the Headteacher and a representative from the Local Authority must be invited to the meeting. All parties must be given the opportunity to make representations. The group of

Governors must not discuss the exclusion with any other persons outside the meeting. The group of Governors must request the school to provide written evidence in advance of the meeting, which should be circulated to all invitees at least five school days in advance of the meeting.

- The group of Governors should allow parents and the pupil to be accompanied by a friend or a representative, and should also ensure that the parents are informed of their right to appoint a Special Education Needs Expert to advise the group if necessary.
- When establishing the facts, the group of Governors must apply the civil standard of proof, and must consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking into account any evidence presented and whether the Headteacher complied with his or her legal duties.
- The group of Governors, in light of its consideration, can decline to reinstate the pupil, or direct reinstatement of the pupil immediately or on a particular date.
- The group of Governors must ask all parties to withdraw from the meeting before considering the decision, with the exception of the clerk and must ensure that the outcome letter is clearly drafted and contains adequate detail regarding their decision. The outcome letter should be sent to the parent within five school days of the meeting taking place. The group of Governors must also ensure that clear minutes are taken of the meeting and are kept on the pupil's file.
- The outcome letter must contain information regarding;
 - The date by which an application for review by an Independent Review Panel must be submitted;
 - To whom and where the application for review should be submitted;
 - Right for the parents to appoint a Special Education Needs Expert to advise the Independent Review Panel.
- Right for the parents to arrange for a representative.

12. Procedure for an Independent Review Panel

- The parents have the right to refer a decision of the Governors for review to an Independent Review Panel. The Independent Review Panel must consist of at least three people who were not directly involved in the matters detailed in the complaint.
- If the parents apply within 15 school days of the notice being given to the parents that the Governors have decided not to reinstate a permanently excluded pupil, the school must, at its own expense, arrange for the Independent Review Panel to review the decision.
- Where there is a hearing, this will include two people who will be independent of the management and the running of the school. Each member shall be appointed by the Chair, who will then acknowledge the appeal and schedule a hearing to take place as soon as practicable and normally within 15 school days.
- Further particulars of the incident or any related matter may need to be supplied in advance of the hearing, and copies of such particulars shall be supplied to all parties not later than 7 working days prior to the hearing.

- The parents may be accompanied to the hearing; legal representation will not normally be appropriate. If possible, the Independent Review Panel will resolve the parents' appeal immediately without the need for further investigation.
- After due consideration of all facts they consider relevant, the Independent Review Panel will reach a decision and may make recommendations, which it shall complete within 14 working days. The Panel will write to the parents (where possible, a copy will also be sent by e-mail) informing them of its decision and the reasons for it.
- The decision of the Independent Review Panel will be final.
- The Independent Review Panel's findings and any recommendations will be sent in writing to the parents, the Headteacher and the Chair of Governors. Those findings will be available for inspection on the school premises by the Chair of Governors and the Headteacher.
- All exclusions will be reported to the Governing Body and details will be recorded. If the Chair of Governors is not available, the Vice Chair or a member of the School's Senior Leadership Team will deputise.
- Should any aspect of the Independent Review Panel procedure remain unresolved, it is possible for parents to bring such matters to the attention of Ofsted, which may be contacted at: www.ofsted.gov.uk

13. Informing the Board of Governors and the LA

Within one school day the Headteacher must inform the Board of Governors and the LA of:

- permanent exclusions;
- suspensions which would result in the pupil being suspended for more than five school days in any one term.

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Headteacher must also advise the 'home' LA of the exclusion, so that they can make arrangements for the pupil's full-time education from and including the sixth school day of exclusion. It is essential that the 'home' LA is speedily and fully informed of the details of the exclusion so that they are in a good position to ensure that appropriate provision is in place within the statutory time limits. A database of exclusions officers in England and their email addresses can be found at www.teachernet/wholeschool/behaviour/exclusion

Reports should include:

- the pupil's name
- the length of time
- the reason for the suspension/exclusion
- the pupil's age, gender and ethnicity
- whether the pupil has an EHCP, is being assessed for such an EHCP, or is supported by the school as part of the SEN provision
- whether the pupil is looked after as defined in section 22 of the Children Act 1989
- for suspension of pupils of compulsory school age, where the suspension is for more than five school days, what alternative provision has been put in place for the pupil.

14. Pupils with special educational needs and disabled pupils

The School must take account of any special educational needs when considering whether or not to exclude a pupil.

There is a legal duty not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability. Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified if there is a material and substantial reason for it, such as a specific incident affecting order and discipline in the school, or if there are serious health and safety issues that put the school community at risk.

15. Suspensions exceeding 6 days in duration

Although every effort is made by the School to avoid suspending pupils, on some occasions this is unavoidable. After careful consideration, in order to minimise any disruption to pupils' learning, while discouraging any repetition of the behaviour that has led to such unfortunate and serious action being taken in the first place, the following policy extension has been adopted: On the 6th day of a suspension, the Headteacher will organise alternative provision with another school or institution. For further clarification on any part o