



Newark Academy Exclusion Policy

DRAFT

Serious incidents of Misbehaviour leading to Fixed Term or Permanent Exclusion Action to be invoked by Senior Staff in Serious Disciplinary Matters Purpose of this policy.

This policy is designed to briefly outline the school's approach to exclusions within the statutory framework as defined in the The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012. It outlines only where the academy applies its own additional guidance and policies, which complement and reinforce the statutory guidance, for purposes of clarity in the day-to-day operation of the school.

Principles

- 1) Exclusion is a sanction used by the academy only in cases deemed as serious breaches of the Academy Behaviour Policy. A student may be at risk of exclusion from school for:
 - a. Verbal or physical assault of a student or adult;
 - b. Persistent and repetitive disruption of lessons and other students' learning;
 - c. Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions.
- 2) In discharging their duties the Head of School and Governors will have regard to DfE guidance "Exclusion from maintained schools, academies and student referral units in England" which came into force on 1st June 2012 (revised February 2015) and any subsequent DfE updates to this guidance They will also take into account their statutory duties in relation to special educational needs including having regard to the SEN Code of Practice.
- 3) Before excluding a student, in most cases a range of alternative strategies will have taken place. Where a one-off incident of sufficient gravity has taken place, this may not apply. Internal Exclusion will be consider as a behaviour intervention for persistent low level disruption to learning or less serious incidents.
- 4) A Fixed Term Exclusion from the school can only be authorised by the Head of School or one of the School Leaders acting on delegated authority. If none are available to authorise the exclusion a decision should be deferred until the opportunity for authorisation is available.
- 5) In the case of a Permanent Exclusion this can only be authorised by the Head of School.
- 6) The school seeks to reduce the number of incidents leading to exclusions by promoting a positive atmosphere of mutual respect and discipline within the school.
- 7) The school regularly monitors the number of Fixed Term Exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.
- 8) A decision to exclude a student will only be taken:
 - a. In response to serious breaches of Newark Academy's Behaviour Policy if allowing the student to remain in Newark Academy would seriously harm the learning or welfare of the student, other students or staff in the Academy
 - b. In cases where there has been a major breach of normal expectations of conduct [and/or a breach of the criminal law]

9) Before excluding a child, in most cases a range of alternative strategies will have been tried. Where a one-off incident of sufficient gravity has taken place, this may not apply.

Responsibilities of the Head of School

10) The Head of School alone (or his/her designate, if he/she is absent) has the power to exclude students.

11) In considering the exclusion of a student the Head of School should ensure that the following range of activities are carried out:

- a. Undertake a thorough investigation
- b. Consider all the relevant facts and firm evidence to support the allegations
- c. Take into account Newark Academy's Behaviour Policy including the Single Equality Scheme and Anti Bullying policies
- d. Check whether an incident appeared to be provoked by racial or sexual harassment
- e. Ensure that all students involved have the opportunity to give their version of events.
- f. Consult other people or agencies except where they may be involved in any review of the exclusion.
- g. Ensure time has been given to addressing and supporting the student's individual problems within the capabilities of Newark Academy.

12) Before deciding to exclude a student permanently the Head of School will first try a range of strategies as outlined in the Behaviour Policy, including fixed term exclusion or managed moves to other schools. Only when other strategies have been tried without success will the Head of School consider permanent exclusion. Except, or notwithstanding (8), where a one-off incident of sufficient gravity has taken place.

13) There are occasions when the severity of the offence will merit permanent exclusion, even when there has been no record of poor behaviour.

14) The Head of School may exclude a student for up to 45 school days in any academic year. Any exclusion beyond 45 school days will be permanent. However before that point is reached the Head of School will have held discussions regarding alternative placements and a managed move.

15) The Head of School will aim for the shortest possible period of exclusion but however brief, an exclusion plan will be made to:

- Enable the student to continue their education
- Use the time to address the student's problems; examine the process of reintegration. Informing Parent(s)/carer(s) about the Exclusion

16) Parents/carers will be notified as soon as possible of the decision to exclude a student and the reason for the exclusion. This will be done on the day of the exclusion being authorised by either direct phone contact or a face-to-face meeting. A written confirmation of the reason(s) for the exclusion will be sent to parents the same day which will include details of where a copy of the Exclusion Policy can be obtained from if required.

17) If the Head of School wishes to extend a fixed period exclusion or convert a fixed period exclusion into a permanent exclusion, the Head of School will again write to the

Parent(s)/carer(s) explaining the reasons and making the other points above. Where exclusion is extended there will be a new right for the Parent(s)/carer(s) to state their case to the Discipline Committee.

18) A student who has been excluded will have the reason for his/her exclusion explained to them by a member of staff so that they understand the nature of their misbehaviour. This may need further clarification at the reintegration meeting.

19) The nominated governor, LA Inclusion Officer and relevant school staff will be notified of all Permanent Exclusions the same day of the production of the exclusion letter, which they will receive a copy of; it will clearly outline the reasons for the exclusion.

Students Returning from a Fixed Term Exclusion

20) All students returning from a Fixed Term Exclusion are required to attend a reintegration meeting, accompanied by a parent. This meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between student, parent and school. It may also be relevant to complete a risk assessment at this meeting.

21) In some incidents, on the return from a Fixed Term Exclusion students will be required to attend Seclusion within the school so that a phased reintegration of the student can take place.

Appeals

22) All correspondence regarding an exclusion from the school will inform parents of their right to appeal to the Governing Body against the decision to exclude. This procedure is clearly set out in the statutory guidance.

23) The person who should be contacted to initiate an appeal is the Clerk to the Governors.
Responsibilities of the Governing Body

24) The Governing Body will establish a nominated governor and when the need arises an Independent Review Panel.

25) The Governing Body will establish a Discipline Committee.

26) The Governors do not have the right to exclude a student.

27) Governors will review the use of exclusion in Newark Academy regularly.

Informing the Governors

28) The Head of School will inform the nominated governor of:

- All permanent exclusions
- All exclusions which result, separately or in total, in the student missing more than five school days in any one term, or which deny students the chance to take a public examination

The Role of the Governors in Permanent Exclusion Cases

29) The Discipline Committee will consist of no less than three Governors who will review the use of exclusion within The Academy, including considering the views of the Parent(s)/carer(s) of an excluded student, and deciding whether or not to confirm exclusions of more than five academy days or those where a student would miss an opportunity to take a public examination. The Governing Body will appoint a clerk to the Discipline Committee to provide advice on the exclusions process and to handle the administrative arrangements for considering exclusions.

30) If the exclusion is for five academy days or fewer the Discipline Committee will not direct reinstatement but will consider any statement from the parent(s)/carer(s). If the exclusion causes the student to miss sitting a public examination the Discipline Committee will meet before the public examination. Where a public examination is concerned, if it is not practical for the Discipline Committee to meet, the Chair of the Committee will consider the exclusion. Alternative arrangements to allow an excluded student to take public examinations will be considered.

31) The governing body discipline committee must meet in cases of:

- Permanent exclusions
- Fixed term exclusions that have been converted to permanent exclusions
- Exclusions which would result in the loss of an opportunity to take any public examination.

32) The governing body discipline committee must meet to:

- a) Consider the circumstances in which the student was excluded;
- b) Consider any representations about the exclusion made by the parent;
- c) Consider whether the student should be reinstated immediately, reinstated by a particular date or not reinstated.

33) For permanent exclusion, the governing body discipline committee should normally satisfy itself that all possible strategies to improve a student's behaviour were tried without success; strategies should include those in DfE guidance, including a Pastoral Support Programme.

For children with statements of SEN, revising the statement might be better than resorting to exclusion.

34) For permanent exclusions the governing body discipline committee will consider the exclusion and decide whether the student should be reinstated. Such consideration will take account of the student's disciplinary record and the likely impact of their continued attendance.

35) The governing body discipline committee may not attach conditions to the reinstatement of a student.

36) If the governing body discipline committee upholds the Head of School's decision to exclude a student permanently, it will write within one school day to the parent(s)/carer(s) giving the reasons for the decision and all other guidance as set out in The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012.

37) If the governing body discipline committee upholds a decision to exclude a student permanently it will notify the Local Authority in writing of this decision within one school day of the hearing. After the meeting – Permanent Exclusions

38) A note of the governing body committee views on the exclusion shall normally be placed on the student's record with a copy of the Head of School's exclusion letter.

39) Parent(s)/carer(s) whose child is excluded permanently from Newark Academy have the right to appeal against the governing body discipline committee decision to uphold the exclusion. This should follow statutory guidelines as set out in The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012.

Independent Review Hearings

40) If applied for by parents within the legal time frame (15 days), Newark Academies Trust (OAT) will arrange for an Independent Review Panel hearing to review the decision of a governing body not to reinstate a permanently excluded student.

41) Any application made outside the legal time frame will be rejected by OAT.

42) Parents may request an independent review panel even if they did not make a case to, or attend the meeting at which the governors made their decision

43) All arrangements for the Independent review hearing will be made by OAT or the organisation commissioned by OAT to manage this process on their behalf and this includes:-

- Establishing an Independent Review Panel which complies with DfE regulations
- Agreeing suitable date, time and independent venue for the hearing to take place (hearings will not take place at the excluding Academy)
- Appointing an independent Clerk to administer the process including the circulation of the meeting pack, take notes of the hearing and sending out the decision letter (the Clerk to the excluding Academy governing body will not be eligible to perform this role)

44) The Clerk may also provide advice to the panel & parties to the review on procedure, legislation and statutory guidance on exclusions

45) Where it has been requested, arrange for a SEN expert to attend the review hearing

46) The role of the panel is to review the governing body's decision not to reinstate a permanently excluded student. In reviewing the decision the panel must consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded and have regard to the interests of other students and people working at the Academy. The panel must also apply the civil standard of proof "on the balance of probabilities rather than the criminal standard of "beyond reasonable doubt"

47) Following its review the panel can decide to:

- a. Uphold the exclusion decision
- b. Recommend that the governing body reconsiders their decision or,
- c. Quash the decision and direct the governing body to consider the exclusion again

48) The decision of the Independent Review Panel is binding on the; student, parents, governing body, LA and OAT.

49) New supporting evidence may be presented to the panel but the Academy may not introduce new reasons for the exclusion and panels will disregard any new reasons that are introduced

50) Where present the panel must seek and have regard to the SEN expert's view of how SEN might be relevant to the student's exclusion

51) Members of the Academy Permanent Exclusion Committee and Academy presenting team will be invited to attend the hearing to present their case to the panel

52) As with the governing body exclusion hearing, parents will be invited to attend and may bring another member of the family or supportive adult. If they are not present the case will be heard in their absence

53) Where a panel quashes the governing body's decision and directs it to reconsider an exclusion it has the power to order that the Academy makes a payment of £4k to the Local Authority if the governing body does not offer to reinstate the student within 10 Academy days of receiving notice of the panel's decision. (This sum would be in addition to any budget that would normally follow a student to a new school.)

54) A review cannot continue if the panel no longer has representation from the required categories of panel members. In this event the panel will be adjourned until the number can be restored.

55) Following the review, the panel must issue written notification to all parties without delay. This notification must include:-

a. The panel's decision and the reason for it

b. Where relevant, details of any financial payment to be made if the governing body subsequently decides not to offer to reinstate a student

c. Any information that must be recorded on the student's educational record to reflect the decision

56) If the panel upholds the decision, the Clerk will immediately notify the local authority and if the student lives outside the LA of the Academy, the student's "home local authority".
Relationship to other school policies

57) The Exclusion Policy should be read in tandem with the school's Behaviour Policy as well as other relevant school policies, particularly the Special Educational Needs Policy and the Single Equality and Community Cohesion Scheme. It also has a close inter-relationship with the Anti-Bullying Policy and Attendance Policy.

Monitoring and Review

58) The impact of this policy will be reviewed by the governors' Curriculum & Standards committee.

59) The Head of School will provide the Committee with regular monitoring reports which will help it to evaluate the effectiveness of the policy and procedures.

60) The policy and procedures will be reviewed and amended in the light of such evaluation and in consultation with representatives of all key stakeholders.