

**All Saints' Catholic Academy  
Policy Document**

*For God gave us a spirit not of fear but of power and love and self-control. Timothy 1:7*

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**Policy:** Exclusions Policy  
**Prepared for:** All Saints' Catholic Voluntary Academy

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**Approval**

Approved by	Approval date	Review Date
Headteacher	September 2016	September 2017
Headteacher	October 2017	October 2018
Head of School	October 2018	October 2019
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## 1 Purpose

The purpose of this policy is to set out the approach that the Academy will take to the exclusion of pupils. This policy links to the Academy's Behaviour Policy and Anti Bullying Policy and it takes account of the DfE Guide on Exclusion for Maintained Schools and Academies and pupil referral units in England (2020)

## 2 Aims

- To provide a framework for exclusions that is clear, fair, understood by pupils, parents/carers and staff and consistently applied.
- To ensure that exclusions are only used as a last resort

## 3 Roles & Responsibilities

The Head Teacher is responsible for ensuring the fair and consistent implementation of the policy and for all decisions on whether or not to exclude a pupil. The Head Teacher may delegate to other senior leaders the arrangements for the support of pupils in danger of exclusion and for the reintegration of pupils returning to school after a fixed-term exclusion

The Governing Body is responsible for deciding whether or not to confirm the Head Teacher's decision to exclude a pupil.

## 4 Implementation

Exclusions, whether fixed-term or permanent, may be used in response to any of the following, all of which are examples of unacceptable conduct and breach the Academy's Behaviour Policy:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse/threatening behaviour against a pupil
- Verbal abuse/threatening behaviour against an adult
- Inappropriate use of mobile phones or social media
- Bullying
- Racist abuse
- Sexual misconduct
- Drug and alcohol related
- Damage
- Theft
- Bringing banned items or substances onto the school site
- Persistent disruptive behaviour

This is not an exhaustive list and there may be other situations where the Head Teacher judges that exclusion is an appropriate sanction. On health and safety grounds allied to disrupting the learning of others, this includes deliberately tampering with safety equipment such as fire extinguishers or setting off a fire alarm.

### **Permanent Exclusion**

There are two main types of situation in which permanent exclusion may be considered. The first is where a pupil exhibits a build up of disruptive behaviours over time and continues to display persistent and defiant behaviour in spite of sanctions and the use of other strategies. In this respect it is a final, formal step in a concerted process for dealing with the disciplinary offences and adverse behaviours.

The second is in the exceptional set of circumstances where, in the Head Teacher's judgement, it is appropriate to permanently exclude a student for a first or 'one off' offence, regardless of previous disciplinary history.

Where the school considers that a criminal offence may have taken place, it reserves the right to inform the Police and other agencies, as appropriate.

In the event of a permanent exclusion, the Head Teacher will work with the Local Authority and other agencies to ensure that suitable alternative provision is found for the pupil in question.

### **Making a decision to exclude**

Before deciding whether to exclude a pupil, the Head Teacher will:

- Ensure that an appropriate investigation has been carried out
- Consider all the evidence available to support the allegations
- Allow the student to give his/her version of events
- Look at the particular circumstances of each case.

The Head Teacher has to be satisfied on the balance of probabilities that the pupil was responsible for the behaviour in question.

In considering whether permanent exclusion is the most appropriate sanction, the Head Teacher will consider:

- a) The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Academy's Behaviour Policy.
- b) The effect that the student remaining in the Academy would have on the education and welfare of other members of the Academy community.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations by the Governing Body when it meets to consider the Head Teacher's decision to exclude. The Governing Body will require the Head Teacher to explain the reasons for the decision and will look at appropriate evidence such as the pupil's Academy record, witness statements and the strategies used by the Academy to support the student prior to exclusion.

### **Informing parents/carers**

Whenever a pupil is excluded the Head Teacher or a member of the pastoral team, without delay, will notify parents/carers of the period of exclusion, the grounds for it and how they can make representations to the Governing Body

### **Behaviour outside of the Academy**

Pupils who breach the school's Behaviour Policy whilst on school related activities such as trips and journeys, sports fixtures or a work experience placement will be dealt with in the same manner as if the incident had taken place in school.

For incidents that take place outside the school and not during school related activities, this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole. This includes behaviour in the immediate vicinity of the school or on a journey to and from the school.

### **Exclusion of pupils with special educational needs (SEN), disability and looked after children**

The Academy will pay due regard to the guidance on pupils with statements of SEN, looked after children and those from groups with consistently higher than average rates of exclusion, as outlined in Section 3 paragraphs 21-25 of the DfE Guide on Exclusion for Maintained Schools and Academies and pupil referral units in England (2020).

## **5 Procedures**

### **Fixed Term exclusions**

- This may be for up to 45 school days in any one year.
- You will receive a letter related to the exclusion, which should include:
  - The type of exclusion
  - The reason for exclusion
  - The length of exclusion and the date of return
  - An invitation to the parents to come to school to discuss the exclusion
  - Details of how work will be provided
  - Encouragement for the parent to bring a friend/support to any meeting
- A copy of the letter should be sent to the parents by first class post on the same day. Notices can also be given electronically if the parents have given written agreement for this kind of notice to be sent in this way.
- The Nottinghamshire County Council Notification of Exclusion form should be completed online on the same day
- Where the exclusion exceeds fifteen school days, a Governors' disciplinary meeting will be held.
- The meeting to plan the child's readmission would normally be conducted by a Year Progress Leader or a member of the school's Senior Leadership Team, but may also involve staff who work with the child.
- Wherever practicable, work should be provided by the school for any child excluded for a fixed period.
- The student should complete any work supplied by the school and hand this to the relevant department/teacher.
- If an exclusion is for more than 5 days or would mean a child would miss a public exam or national curriculum test a parent/carer may ask the Governing Body to overturn the exclusion
- If the exclusion is for 5 days or fewer, the parent/carer can still ask the governors to hear their views but they cannot overturn the Head Teacher's decision.

### Permanent Exclusions

Following a serious incident, the Head Teacher may decide to issue a permanent exclusion. The following actions should then take place:

- The child should be given a letter to take home **but** with information that the parent(s) will be invited to attend a governors' committee meeting when a date has been arranged.
- The parent, Local Education Officer, Chair of Governors should be informed by first class post.
- The chair of the committee should convene a meeting to consider the exclusion and any representations made by parents within 15 days of the date of notification by the Head Teacher, giving at least seven clear days written notice to governors. The meeting should be held during normal school hours wherever possible.
- The meeting will be led by three governors or any individual involved in the incident leading to the exclusion.
- The Governors have a duty to consider whether to uphold the exclusion or direct reinstatement of the pupil.
- With an LA representative attending the governors' committee meeting, both governors and LA hear the same representations from the parents and child.
- A Statement of Case should be compiled by the school for use at the meeting, containing relevant information such as:
  - (i) Pupil information
    - a. Attendance/punctuality
    - b. Special educational needs (if appropriate)
  - (ii) Achievement
    - a. Academic
    - b. Other achievements
    - c. Records of achievement (if appropriate)
  - (iii) Behaviour
    - a. Positive personal qualities
    - b. Previous parental contact/involvement
    - c. Previous exclusions (if any)
    - d. Strategies used to modify child's behaviour in the past and their effect including individual action plans
  - (iv) Involvement of other agencies (eg Social Services)
  - (v) The circumstances leading to the exclusion (to include all supporting/relevant documentation arising from an investigation, eg reports, statements from witnesses, teachers and pupils)
  - (vi) Details of consideration given to other personal factors
- Each member of the committee, the Head Teacher, the LA representative and the parent(s) will be sent:
  - (i) A letter of invitation to the committee meeting which:
    - Explains that the parent(s) representations to the LA will be made at the same time as representations to the governors.
    - Encourages the parent(s) to bring a friend or supporter with them to the governors' committee meeting, as such a person may be in a position to provide assistance.

- (ii) Background information on the exclusion for consideration by the committee, parents and the LA:
  - A copy of the letter to the parent(s) informing them of the exclusion
  - A copy of the Head Teacher's report
  - A copy of the recommended procedure (see below)

These papers should be sent at least seven clear days prior to the committee meeting, although the Head Teacher's report may have to follow at a later date, provided that it is received by all the participants at least 48 hours prior to the meeting.

- It is recommended that the following procedure should be adopted for conduct of the committee meeting:
  - 1) Governors elect a chair prior to the start of the meeting and agree the procedure to be followed during the meeting.
  - 2) At the start of the meeting, the chair of the committee should introduce all parties to each other, explaining to the parent that the purpose of the meeting is to enable both the governing body and the LA to consider whether to uphold the Head Teacher's decision or to direct reinstatement, and to consider the parents' representations.
  - 3) The chairman of the committee meeting should also explain that if reinstatement is not agreed, the parent will have the right of appeal to an independent appeal committee.
  - 4) The chairman of the committee should outline the procedure to be followed during the meeting.
  - 5) The Head Teacher should put forward the school's case
  - 6) The parent(s), child and supporter may ask the Head Teacher about what is in the report or about what has been said.
  - 7) Members of the committee may ask the Head Teacher questions.
  - 8) The LA representative and any other LA staff who may be invited (eg educational psychologist) may ask the Head Teacher questions.
  - 9) The parent(s), child and supporter put forward their views and comments to the committee and LA representative.
  - 10) The Head Teacher may ask questions of the parent(s), child and supporter.
  - 11) The committee may ask questions of the parent(s), child and supporter.
  - 12) The LA representative may ask questions of the parent(s), child and supporter.
  - 13) The chairman draws attention to points that the governors' committee will need to consider in determining their decision.
  - 14) The Head Teacher may request a brief adjournment to consider whether he/she wishes the child to be reinstated in the light of the representations made.
  - 15) Summing up by the Head Teacher.
  - 16) Summing up by the parent(s) and/or supporter.
  - 17) The parent(s), pupil, Head Teacher and LA representative, and anyone else not a member of the committee, withdraw to enable the committee to determine, with reasons, whether to uphold the decision or to direct reinstatement.

- If the Governors are satisfied after hearing the case, they then have to decide whether permanent exclusion was a reasonable response. They need to be clear about their reasons for confirming a permanent exclusion, and ensure that these reasons clearly derive from only the written and oral evidence they have heard in relation to the exclusion.
- All the contents of the meeting should be minuted.
- Parents will receive a formal letter from the secretary of the governors' committee and from the LA representative in due course, setting out their respective decisions, with reasons.
- The Governors must determine within 20 school days of notification of the Head Teacher's decision to exclude the child, whether to uphold the decision or direct reinstatement.
- The parent(s) have the right of appeal within 15 school days of notification of the decision.
- Work should be provided by the school for any child excluded on a permanent basis wherever practicable.

### **Appeals**

- Once an appeal has been lodged by a parent, an appeal committee should meet within 15 days of notice of appeal.
- Meetings of the appeals committee are not held in public.
- The decision of the appeal committee should be sent to the parent(s), governing body and LEA within 17 days of notice of appeal.
- In the event of a parental appeal against a Governing Body decision to uphold a permanent exclusion, the school may draw on the services of a specialist company to undertake the independent appeals panel procedures.