



# Exclusions Policy

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## EXCLUSIONS POLICY

### **Rationale:**

Red House Academy is committed to providing optimum learning opportunities for all its students and to supporting this provision through all difficulties experienced by students. Any exclusion in this context is a major decision and must be made within clear parameters.

### **The aims are to achieve:**

- a minimum number of exclusions, whilst safeguarding the well being of all and the education of other students
- understanding by all staff, students, parents and Trust of the Academy commitment to its students and their learning potential
- understanding by all staff and Trust of the process and its seriousness
- agree procedures available to parents and the Trust if necessary

### **Procedures:**

The Academy recognises that certain students, because of unacceptable behaviour, often spend a disproportionate amount of time in discipline, counselling and punishment. The Academy feels it can help these students if:

- it gets full parental support
- it does not feel that the child is a persistent bully, i.e. other students are not afraid of that individual
- it does not feel that to continue to provide a place for that student significantly damages the learning of others and the well-being of all
- the student does not persist in disruptive behaviour contrary to the Academy's Behaviour Policy

The Academy will make full use of the commitment as outlined in the Home-Academy Agreement and the Positive Behaviour for Learning Policy.

The Academy does not exclude a student unless it is absolutely necessary to do so and if there is felt to be no other viable alternative. This is in response to serious or continuous breaches of the

Academy Behaviour Policy; or if allowing the student to stay would harm the education or welfare of other students or staff. The permanent exclusion of students must be the final sanction at the end of a long series of procedures.

All stages of the procedure are documented and parents are always informed of any action taken by the Academy. Continuous misbehaviour will bring the student to the point of exclusion. It should be noted that, in order to progress to this stage, the student must have seriously contravened Academy regulations, either by a one-off exceptional circumstance or by persistent defiant behaviour.

### **Notwithstanding the procedures laid out above:**

1. There will be exceptional circumstances where, in the Principal's judgement, it is appropriate to permanently exclude a child for a first 'one off' offence. These might include:
  - Serious actual or threatened violence against another pupil or member of staff
  - Sexual or racial abuse or assault
  - Supplying or using an illegal drug
  - Carrying an offensive weapon
2. The Academy also reserves the right to permanently exclude a student where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in school.

### Types of Exclusions:

- Fixed term exclusion
- Permanent exclusions

### **Fixed Term Exclusion from School**

The regulations allow the Principal to exclude a pupil for one or more fixed term periods not exceeding 45 days in any one school year. The Academy is obliged to provide education whilst the student is on roll. In all cases of more than a day's exclusion, work should be set and marked.

When a fixed term exclusion is given the parent is informed by phone and a letter is sent home stating the reason(s) for the exclusion, the period of the exclusion and the date on which the exclusion begins and ends. The letter should also include the date the student is to return to the Academy.

## **Permanent Exclusion from School**

A discipline panel from within Northern Education Trust must meet to review the decision of the Principal to permanently exclude a student. The parents will be invited and should attend that meeting. They can make representations on behalf of their child, challenge the Academy's case and ask whatever questions they want. An officer of the Local Authority will be informed of the date and time of the meeting and are welcome to attend. However, the academy understands that the Local Authority representative will only attend if invited to do so by the parent/carer.

### **What happens to a pupil once they have been permanently excluded?**

Once a child has been permanently excluded, he/she remains on the roll of the Academy until any appeal is determined, the time limit for an appeal has expired without an appeal being brought, or the parent has told the Local Authority that no appeal is being brought.

Guidance regarding both permanent and fixed term exclusions is published by the Department for Education and Skills, 'Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units' (dated September 2017). This is the document which Headteachers, Governors and the Local Education Authority use for guidance.

### **The right to appeal**

Once a decision has been made to permanently exclude a student and subsequently this decision is upheld by the Principal and discipline panel from within Northern Education Trust. The parent/carer will receive a letter from the LA informing them of its decision stating the reasons.

Parent/Carers have **15 school days** in which to appeal, in writing, from the date they receive the letter telling them of their child's exclusion on which the letter from the LA is received.

A hearing will be set up for the parents/carers with an independent Appeal Panel of three people. The appeal panel must meet no later than the 15<sup>th</sup> school day after the day on which the appeal was lodged.

You will lose your right to put your case to an independent appeal panel if:

- Your appeal is not received by the expiry date in the letter confirming the decision to uphold the exclusion
- You inform the Local Education Authority in writing that you do not wish to appeal

The appeal panel's decision is final and binding on the Academy. A parent may seek a judicial review of the panel's decision.

### **Guidance on Exclusion**

As part of the Sunderland Model the Academy will follow the LA Policy regarding its Exclusion Policy, in Year Fair Access Protocol and Managed Moves Protocol.

The Education and Inspections Act 2006 requires all schools to provide full time off-site education for excluded students from the sixth day of any fixed period exclusion.

This new law also makes parents and carers responsible for an excluded student's education during the first five days of every exclusion.

Chief Executives, Governing Bodies, Local Authorities (LA's) and Independent Appeal Panels (IAPs) must by law have regard to this guidance when making decisions on exclusions and administering the exclusion procedure. These procedures apply to the Academy and all students in them, including students who may be below or above compulsory Academy age. They also apply to maintained nursery school.

The 'guide to the law' sections in this guidance should not be used as a substitute for legislation and legal advice.

- The document also provides statutory guidance to which head teachers, governing boards, local authorities, academy trusts, independent review panel member and special educational needs (SEN) experts must have regard when carrying out their functions in relation to exclusions. Clerks to independent review panels must also be trained to know and understand this guidance.
- The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.
- Where relevant, this document refers to other guidance in areas such as behaviour, SEN and equality, but it is not intended to provide detailed guidance on these issues.
- This document replaces all previous versions.