

EXCLUSION POLICY

Mission Statement

“Trinity is a Catholic learning community devoted to the Common Good, which calls all by name to the knowledge of the Father and love of the Son, enriched by the gifts of the Holy Spirit”.

We would always seek to find alternatives to exclusions and where possible avoid Fixed Term Exclusion (FTE). However, in rare cases it is necessary for all parties concerned to carry out a FTE or Internal Exclusion

This policy outlines the procedures that are to be adhered to when choosing to impose a Fixed Term Exclusion, Internal Exclusion or Permanent Exclusion

INTERNAL EXCLUSIONS

Internal Exclusions take place inside the school building and are chosen when a serious incident or incidents have occurred and where a FTE is not considered appropriate.

Examples of actions resulting in an Internal Exclusion could be:

- **Truancy**
- **Fighting or bullying**
- **Repeated poor behaviour in lessons or around the school site**
- **Smoking**
- **Swearing at a member of staff (special consideration)**
- **Refusal to follow instructions from members of staff**
- **Failing to attend an SLT detention**

The Heads of Year and Senior Leadership Team organise Internal Exclusions.

In all cases the following procedures must be put in place:

1. Discussion with the student highlighting the concern and the intended Internal Exclusion duration
2. Statements taken in the following circumstances:
 - In the event of a fight
 - In cases of bullying
 - Swearing at a member of staff
3. Immediate liaison with key members of staff as follows:
 - (a) **Pastoral PA** – *to phone home and notify parents of the incident and duration*
 - (b) **Head's PA** – *to produce an Internal Exclusion letter to be sent home*
 - (c) **Attendance officer** – *to update the SIMs register to reflect the Internal Exclusion*
 - (d) **Receptionist** – *to provide work for the student in Internal Exclusion*

4. A post Internal Exclusion meeting with the Head of Year after which the student will return to lessons as normal

INCLUSION ROOM PROCEDURES

It is important that students present in the Inclusion Room have the opportunity to complete core subject work. As a result, students will complete either English, Maths, Science or RE work that is present in the room.

Please take note of the following guidelines:

1. **Work is to be completed in silence**
2. **Work will not be requested via a runner or receptionist.**
3. **Students are not to have access to computers**
4. **Period 2 Duty Managers** – please escort students to the canteen or allow them to visit the toilet before the start of breaktime
5. **Students in the Inclusion Room will be overseen by a member of the breaktime duty staff**
6. **Period 3 Duty Managers** – please instruct students to collect lunch and report directly to IT2 where they will remain for lunchtime
7. **Period 4 Duty Managers** – please check the Inclusion Room log and report any missing students to Attendance Manager immediately

In cases of concern, please report details as a C5 to Matt Alton

FIXED TERM EXCLUSIONS

Fixed Term Exclusions (FTE's) take place away from the school site for a fixed duration of between one and ten days. The first five days may be taken away from an educational establishment, however the second five days must be taken in an educational establishment (this may not necessarily be the students school).

Statutory Guidance on School Exclusions

1. Only the head teacher of a school can exclude a pupil and this must be on disciplinary grounds. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed period exclusion does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.
2. Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to exclusion, such as the head teacher's duty to notify parents, still apply. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.

3. The behaviour of pupils outside school can be considered as grounds for exclusion³. This will be a matter of judgement for the head teacher in accordance with the school's published behaviour policy.

4. The head teacher may withdraw an exclusion that has not been reviewed by the governing body.

5. Any decision of a school, 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 a school's wider legal duties, including the European Convention of Human Rights); rational; reasonable; fair; and proportionate.

6. Head teachers must take account of their legal duty of care when sending a pupil home following an exclusion.

7. When establishing the facts in relation to an exclusion decision the head teacher 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'.

8. Under the Equality Act 2010 ("the Equality Act") schools must not discriminate against, harass or victimise pupils because of their: sex; race; disability; religion or belief; sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices.

9. In carrying out their functions under the Equality Act, the public sector equality duty means schools must also have due regard to the need to:

- eliminate discrimination and other conduct that is prohibited by the Equality Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it.

10. These duties need to be taken into account when deciding whether to exclude a pupil. Schools must also ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Provisions within the Equality Act allow schools to take positive action to deal with particular disadvantages affecting one group, where this can be shown to be a proportionate way of dealing with such issues⁴.

11. Head teachers and governing bodies must take account of their statutory duties in relation to special educational needs (SEN) when administering the exclusion process. This includes having regard to the SEN Code of Practice.

12. It is unlawful to exclude or to increase the severity of an exclusion for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment / ability; the action of a pupil's parents; or the failure of a pupil to meet specific conditions before they are reinstated. Pupils who repeatedly disobey their teachers' academic instructions could, however, be subject to exclusion.

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

14. Maintained schools have the power to direct a pupil off-site for education to improve his or her behaviour⁵. A pupil can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents. However,

the threat of exclusion must never be used to influence parents to remove their child from the school.

FIXED TERM EXCLUSION PROCEDURE

Examples of actions resulting in a Fixed Term Exclusion could be:

- **Fighting or bullying**
- **Repeated poor behaviour in lessons or around the school site**
- **Repeated incidents of smoking**
- **Swearing at a member of staff**
- **Repeated refusal to follow instructions from members of staff**
- **Violence towards a member of staff**
- **Involvement in drugs on or off the school site**
- **Racism or the use of racist language**

The Senior Leadership Team organise Fixed Term Exclusions for the Principal to ultimately decide upon and action.

In all cases the following procedures must be put in place:

1. Discussion with the student highlighting the concern and the intended Exclusion duration
2. Statements taken from the following parties
 - *The student who is facing the exclusion*
 - *Any other students who have witnessed the event(s)*
 - *Any member of staff who have witnessed the event(s)*
3. Consultation with staff members responsible for possible CCTV footage
 - *Storage of the CCTV footage on a suitable storage device*
4. Liaison with Principal who will ultimately decide on the feasibility and duration of the exclusion in light of the evidence collected
5. Immediate liaison with key members of staff as follows:
 - (a) **Head of Year** – *to phone home and notify parents of the incident and duration*
 - (b) **Head's PA** – *to produce an Fixed Term Exclusion letter to be sent home and arrangement of the reintegration meeting*
 - (c) **Attendance officer** – *to update the SIMs register to reflect the Fixed Term Exclusion*
 - (d) **Receptionist** – *to provide work for the student whilst serving the Fixed Term Exclusion (should the parents request this)*
6. A reintegration to take place immediately after the Fixed Term Exclusion period.
 - To include the Head of Year and Assistant Principal (Inclusion and Progress)
7. The storage of all information relating to the exclusion in the students file for future reference or in cases of appeal.
8. If a student receives two Fixed Term Exclusions in an academic year, a CAF will be put in place

Permanent Exclusion.

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

- In response to serious breaches of the school's behaviour policy.
- If allowing the pupil to remain in school would seriously harm the education or welfare of others in the school.

There may be exceptional circumstances where, in the head teacher's judgement it is appropriate to permanently exclude a child for a first or 'one off' offence. These might be:

- Serious actual or threatened violence against another pupil or a member of staff.
- Sexual abuse or assault.
- Possession of drugs or drug material (including equipment)
- Carrying an offensive weapon.

Schools should consider whether or not to inform the police where a criminal offence may have taken place. Other agencies may be informed e.g. Youth Offending Teams or social workers.

Upon the decision being made to permanently exclude, the parents must be informed and provision made for education for the pupil until the Disciplinary Panel meeting can be convened.

Relevant personnel to be invited:

- The pupil.
- Parents.
- Head teacher/senior member of staff.
- 3 members of the governing body.
- An LA representative.