



HOLY TRINITY

Church of England Academy

Introduction

Good discipline is essential to ensure that all pupils can benefit from the opportunities provided by education. The school's behaviour policy outlines expectations and key strategies for promoting good behaviour. The Government supports headteachers in using exclusion as a sanction where it is warranted. However, exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

This Exclusion policy is implemented in line with guidance from the Department for Education (DfE). Key Guidance and regulations:

- Exclusion from maintained schools, Academies and pupil referral units in England - A guide for those with legal responsibilities in relation to exclusion (DfE 2012)
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

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 (Pupil Exclusions and Reviews) (England) Regulations 2012*. It outlines only where the school 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

Exclusion is a sanction used by the school only in cases deemed as serious breaches of the School Behaviour Policy. A pupil may be at risk of exclusion from school for:

- Verbal or physical assault of a student or adult;
- Persistent and repetitive disruption of lessons and other students' learning;
- Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions.

A Fixed Term Exclusion from the school can only be authorised by the Headteacher or the Deputy Headteacher acting on their behalf. If neither are available to authorise the exclusion a decision should be deferred until the opportunity for authorisation is available.

In the case of a Permanent Exclusion this can only be authorised by the Headteacher and must only be done after consulting the Chair of Governors of the intention to impose this sanction, although the final decision rests with the

Headteacher of the school.

Types of Exclusion

There are two types of exclusion: Fixed Period and Permanent.

Fixed period exclusion: These exclusions are usually for a short period and include lunchtime exclusions. The pupil returns after the exclusion period has expired. In cases of more than a day's exclusion, work should be set and marked. The law allows head teachers to exclude a pupil for up to 45 school days in any school year.

Permanent exclusion: This means the pupil cannot return to the school unless re-instated. If a pupil is permanently excluded from any school, the Local Authority (LA) has the duty to provide other suitable education. This may be a place in another school, a place in the local special educational unit (Pupil Referral Unit or PRU for short), or the LA may provide home or individual tuition.

The Decision to Exclude

Fixed Term Exclusion - Exclusions will be used sparingly and only if there are serious breaches of the schools behaviour policy or civil law; or if allowing the pupil to remain in school would be seriously detrimental to the education or welfare of the pupil or others. Fixed Period exclusions may not exceed 45 days in any one year.

Persistent poor behaviour at lunchtime may result in a fixed period exclusion which covers the lunchtime break. This is subject to the normal rights of appeal.

Permanent Exclusion - The Head teacher holds responsibility for taking the decision to permanently exclude a pupil. However in the absence of the Head teacher the Assistant Headteacher or other Senior Leader in charge may exclude a pupil for a fixed period. Permanent exclusion is used as a last resort, when all other reasonable steps have been taken.

A pupil may, in extreme cases, be permanently excluded following a serious 'one off' breach of the school's behaviour policy. At Holy Trinity CE Academy this could apply in the event of serious or threatened violence against a pupil or member of staff.

The decision to exclude a pupil must be lawful, reasonable and fair. Care is taken not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Particular consideration is given to the fair treatment of pupils from groups who are vulnerable to exclusion.

Procedures for Exclusion

Following the decision to exclude a pupil, the Head teacher must:

- Inform the child's parents or guardians their child has been excluded, the type and length of the exclusion and the reasons for it
- Inform the parents in writing of their right to appeal to the Governing Body and to ask for an independent review panel to meet
- A model letter is used for this purpose (Appendix A)
- Inform the Local Authority the same day of the exclusion followed up by more detailed information within the next four days.
- Provide systems for work to be set for the child to undertake at home during a fixed exclusion

Procedures for permanent exclusion: Action by the Governing Body

The Governing Body will nominate a pool of three to five governors, none of whom may be a member of staff, to serve as the Discipline Committee as the need arises. A clerk to the Discipline Committee will also be nominated. The quorum for the Committee is three members.

If the parents give notice that they wish to make representations, the governing body should arrange a meeting to discuss the exclusion as soon as is practicable. The governing body should advise parents and pupils that they may, if they wish, have someone of their own choice to accompany them and assist them at the meeting.

The meeting should serve for the purpose of enabling the parents to have their views heard and for the parents to hear the views of the school.

The decision of the meeting and the reason for the decision should be clearly communicated to the parents without delay.

Appeals Process

If your child is excluded you have the right to make representations to the school's Governing Body. If the Governing Body uphold a permanent exclusion, you have the right to appeal to an Independent Appeal Panel.

Independent Appeal Panel

In all cases the LA is responsible for constituting an Independent Appeal Panel, but the panel itself is independent in law. The decision of the panel is binding and can be challenged only by judicial review (all parties) or by complaining to the Local Government Ombudsman (parents only). Parents may wish to appeal against decisions made on areas such as admissions and exclusions.

Notification of an Exclusion

Parents 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.

In the case of a Permanent Exclusion parents will be notified by the Headteacher in a face- to-face meeting.

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.

The school will also work to put in place a programme for the pupil on his/her return. This will include input from staff at the school, parents, if appropriate, and any other appropriate bodies e.g. School Home Support Practitioner, Attendance Service or the Local Authority. Should it be decided for whatever reason that the matter needs to be put in the hands of another agency i.e. the incident leads to the discovery that there is a child protection issue, the school will continue to monitor the situation and work closely with that agency. It is hoped that in most cases following an exclusion, the child will be able to return to school and that further input will promote in him/her a more positive attitude and a subsequent improvement in behaviour.

The Chair of Governors, LA Inclusion Officer and relevant school staff will be notified of all Fixed Term 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

1) 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. A reintegration plan will be agreed at the meeting between student, parent and school; this will be monitored over four-week period then reviewed by all concerned.

Permanent Exclusions

A school will usually only permanently exclude a child as a last resort, after trying to improve the child's behaviour through other means. However, there are exceptional circumstances in which a headteacher may decide to permanently exclude a pupil because of ongoing issues or even for a 'one-off' incident.

If your child has been permanently excluded, be aware that:

- the school's governing body is required to review the headteacher's decision and you may meet with them to explain your views on the exclusion
- if the governing body confirms the exclusion, you can appeal to an independent appeal panel organised by the local authority
- the school must explain in a letter how to lodge an appeal
- the local authority must provide full-time education from the sixth day of a permanent exclusion

MODEL LETTER EXCLUSION UP TO FIVE DAYS

NAME OF PARENTS OR GUARDIANS
ADDRESS

Date:
Our Ref:
Your Ref:

From head teacher (or teacher in charge of a PRU) notifying parent of a fixed period exclusion of 5 school days or fewer in one term, and where a public examination is not missed

Dear **[Parent's name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period]**. This means that he/she will not be allowed in school for this period. The exclusion begins/began on **[date]** and ends on **[date]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[reason for exclusion]**.

[for pupils of compulsory school age]

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on **[specify dates]** unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **[Child's Name]** during the **[first 5 or specify other number as appropriate]** school days of his **[or her]** exclusion **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

[School/PRU]

You have the right to make representations about this decision to the governing body/management committee. If you wish to make representations please contact **[Name of Contact]** on/at **[contact details – address, phone number, email]**, as soon as possible. Whilst the governing body/management committee has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (<https://www.gov.uk/special-educational-needs-disability-tribunal/overview>).

[Name of Child]'s exclusion expires on **[date]** and we expect **[Name of Child]** to be back in school on **[date]** at **[time]**.

Yours sincerely
[Name]
Headteacher

MODEL LETTER EXCLUSION FIVE TO FIFTEEN DAYS

NAME OF PARENTS OR GUARDIANS

Date:

ADDRESS

Our Ref:

Your Ref:

From head teacher (or teacher in charge of a PRU) notifying parent(s) of a pupil of that pupil's fixed period exclusion of more than 5 school days (up to and including 15 school days) in a term.

Dear **[Parent's name]**

[CHILDS NAME]

[DOB]

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period]**. This means that **[Child's Name]** will not be allowed in school for this period. The exclusion start date is **[date]** and the end date is **[date]**. Your child should return to school on **[date]**.

I realise that this exclusion may well be upsetting for you and your family, but my decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[specify reasons for exclusion]**.

[for pupils of compulsory school age - next 3 paragraphs]

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days **[or specify dates if exclusion is for fewer than 5 days]** of this exclusion, that is on **[specify dates]**. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

We will set work for **[Child's Name]** during the **[first 5 or specify other number as appropriate]** school days of his **[or her]** exclusion **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

[if the individual exclusion is for more than 5 days]

From the **[6th school day of the pupil's exclusion [specify date] until the expiry of his exclusion we [For PRUs the local authority] - set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]** will provide suitable full-time education. On **[date]** he should attend at **[give name and address of the alternative provider if not the home school]** at **[specify the time — this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable — say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full time education will be notified by a further letter].**

[School/PRU] You have the right to request a meeting of the school's discipline committee/PRU's management committee to whom you may make representations, and my decision to exclude can be reviewed. As the period of this exclusion is more than 5 school days in a term the discipline committee/management committee must meet if you request it to do so. The latest date by which the discipline committee/management committee must meet, if you request a meeting, is **[specify date — no later than the 50th school day after the date on which the discipline committee were notified of this exclusion]**. If you do wish to make representations to the discipline committee/management committee, and wish to be accompanied by a friend or representative, please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. Please advise if

you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (<https://www.gov.uk/special-educational-needs-disability-tribunal/overview>). Making a claim would not affect your right to make representations to the discipline committee.

[not mandatory for fixed period exclusions of five days or fewer of secondary aged pupils]

You **[and your child or pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You have the right to see and have a copy of, your child's school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of your child's school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may also find it useful to contact the the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 03003305485 or on <http://www.childlawadvice.org.uk> The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

You may wish to contact **Karen Rutherford** at Services for Young People at South Tyneside Local Authority, on 0191 4246333, who can provide advice.

[Name of Child]'s exclusion expires on **[date]** and we expect **[Name of Child]** to be back in school on **[date]** at **[time]**.

Yours sincerely

[Name]

Headteacher

MODEL LETTER EXCLUSION FIFTEEN DAYS

NAME OF PARENTS OR GUARDIANS

Date:

ADDRESS

Our Ref:

Your Ref:

From head teacher (or teacher in charge of a PRU) notifying parent of a fixed period exclusion of more than 15 school days in total in one term.

Dear [Parent's name]

[Child Name]

[DOB]

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period]**. This means that **[Child's Name]** will not be allowed in school for this period. The exclusion begins/began on **[date]** and ends on **[date]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[reason for exclusion]**.

[for pupils of compulsory school age — next 3 paragraphs]

You have a duty to ensure that your child is not present in a public place in school hours during **[the first five school days of exclusion or specify dates]**, unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates. It will be for you to show that there is reasonable justification.

We will set work for **[Child's Name]** during the **[first five school days or specify dates]** of his/her exclusion **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

[if the individual exclusion is for more than 5 days]

From the **[6th school day of the pupil's exclusion]** **[specify date]** until the expiry of his exclusion we **[For PRUs the local authority - set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]** will provide suitable full-time education. **[Set out the arrangements if known at the time of writing, e.g.]** On **[date]** he should attend **[give name and address of the alternative provider]** at **[specify the time — this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable**

— say something about transport arrangements from home to the alternative provider] [if not known say that the arrangements for suitable full time education will be notified shortly by a further letter]

[School and PRU] As the length of the exclusion is more than 15 school days in total in one term the governing body/management committee must meet to consider the exclusion. At the review meeting you may make representations to the governing body/management committee if you wish. The latest date on which the governing body/management committee can meet is **[date here — no later than 15 school days from the date the governing body is notified]**. If you wish to make representations to the governing body/management committee and wish to be accompanied by a friend or representative please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body/management committee of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (<https://www.gov.uk/special-educational-needs-disability-tribunal/overview>). Making a claim would not affect your right to make representations to the governing body/management committee.

[mandatory for all exclusions of primary-aged pupils and those of more than 5 days of secondary-aged pupils]

You **[and your child or name of pupil]** are invited to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see and have a copy of **[Child's Name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[Child's Name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may also find it useful to contact the the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 03003305485 or on <http://www.childlawadvice.org.uk>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January. You may wish to contact **[insert name of Young Person's Lead for the school]**, Young Person's Lead, Services for Young People at South Tyneside Local Authority, on 0191 424####, who can provide advice.

[Name of Child]'s exclusion expires on **[date]** and we expect **[Name of Child]** to be back in school on **[date]** at **[time]**.

Yours sincerely
[Name]
Headteacher

MODEL LETTER PERMANENT EXCLUSION

NAME OF PARENTS OR GUARDIANS
ADDRESS

Date:
Our Ref:
Your Ref:

From the headteacher of a primary, secondary or special school (or the teacher in charge of a PRU) notifying the parent(s) of that pupil's permanent exclusion

Dear **[parent's name]**

[Child's name]
[DOB]

I regret to inform you of my decision to permanently exclude **[Child's Name]** with effect from **[date]**. This means that **[Child's Name]** will not be allowed in this school/this PRU unless he/she is reinstated by the governing body/the discipline committee. (management committee in case of a PRU)

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded because **[reasons for the exclusion – include any other relevant history]**.

[For pupils of compulsory school age]

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, i.e. on **[specify the precise dates]** unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

[For pupils of compulsory school age]

Alternative arrangements for **[Child's Name]**'s education to continue will be made. For the first five school days of the exclusion we will set work for **[Child's Name]** and would ask you to ensure this work is completed and returned promptly to school for marking **[this may be different if supervised education is being provided earlier than the sixth day]**. From the sixth school day of the exclusion onwards – i.e. from **[specify the date]** South Tyneside local authority will provide suitable full-time education. A representative from the Alternative Education and Behaviour Support Service will contact you to discuss the necessary arrangements.

NAME OF PARENTS OR GUARDIANS
ADDRESS

Date:
Our Ref:
Your Ref:

From the headteacher of a primary, secondary or special school (or the teacher in charge of a PRU) notifying the parent(s) of that pupil's permanent exclusion

Dear **[parent's name]**

[Child's name]

[DOB]

I regret to inform you of my decision to permanently exclude **[Child's Name]** with effect from **[date]**. This means that **[Child's Name]** will not be allowed in this school/this PRU unless he/she is reinstated by the governing body/the discipline committee. (management committee in case of a PRU)

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded because **[reasons for the exclusion – include any other relevant history]**.

[For pupils of compulsory school age]

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, i.e. on **[specify the precise dates]** unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

[For pupils of compulsory school age]

Alternative arrangements for **[Child's Name]**'s education to continue will be made. For the first five school days of the exclusion we will set work for **[Child's Name]** and would ask you to ensure this work is completed and returned promptly to school for marking **[this may be different if supervised education is being provided earlier than the sixth day]**. From the sixth school day of the exclusion onwards – i.e. from **[specify the date]** South Tyneside local authority will provide suitable full-time education. A representative from the Alternative Education and Behaviour Support Service will contact you to discuss the necessary arrangements.

[For pupils of compulsory school age]

[Where pupil lives in a local authority other than the excluding school's local authority] I have also today informed **[name of officer]** at **[name of local authority]** of your child's exclusion and they will be in touch with you about arrangements for **[his/her]** education from the sixth school day of exclusion. You can contact them at **[give contact details]**.

As this is a permanent exclusion the governing body (or management committee in case of a PRU) must meet to consider it. At the review meeting you may make representations to the governing body/PRU management committee if you wish and ask them to reinstate your child in school. The governing body/ PRU management committee have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may request that the decision is reviewed by an Independent Review Panel. The latest date by which the governing body/PRU management committee must meet is **[specify the date – the 15th school day after the date on which the governing body/PRU management committee was notified of the exclusion]**. If you wish to make representations to the governing body/PRU management committee and wish to be accompanied by a friend or representative please contact **[Name of Contact]** on/at **[contact details – address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body/PRU management committee of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you may raise the issue with the governing body/PRU management committee.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (<https://www.gov.uk/special-educational-needs-disability-tribunal/overview>).

You have the right to see a copy of **[Name of Child]**'s school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of **[Name of Child]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may also wish to contact Karen Rutherford at South Tyneside Local Authority on 0191 4246333 or karen.rutherford@southtyneside.gov.uk , who can provide advice on what options are available to you.

You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on

03003305485 or on <http://www.childlawadvice.org.uk>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

[insert reference to local sources of independent advice if known.]

Yours sincerely

[Name]

Headteacher (teacher in charge in case of a PRU)