




# Newfield School

## Exclusions Policy

<b>Date ratified:</b>	
<b>Updated:</b>	January 2024
<b>Governors/Committee Meeting:</b>	Local Governing Body
<b>Signature of Chair:</b>	
<b>Date for review:</b>	

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When reading this policy, please note that the Headteacher's decision is final, alongside any staff member with delegated responsibilities. The Exclusions Policy is to be read alongside the Consistent Discipline Model Policy.

### **Equality Impact Assessment**

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

Applying high expectations of behaviour in our school for all students promotes equality and a safe learning environment.

# Exclusions Policy

## 1. Introduction

Good discipline in schools is essential to ensure that all students can benefit from the opportunities provided by education. The Government supports Headteachers in using fixed term suspensions or permanent exclusion as a sanction where it is warranted.

Our ethos of providing opportunity and choice is embodied by our curriculum intent and the way in which we develop character. The Three C's of The Newfield Way – being curious, considerate and committed embody the good character in our students.

At Newfield School we expect all students to behave in a manner in line with 'The Newfield Way' and motivates all to learn effectively. Students who are not meeting our expectations will be dealt with appropriately in order to help them address their behaviour or attainment issues.

## 2. Links

The Exclusion Policy should be read in conjunction with Newfield School's Consistent Discipline Model Policy (CDM) and SEND Policy (which complies with the statutory requirement laid out in the Special Educational Needs and Disabilities (SEND) Code of Practice 0-25 (June 2015).

The Exclusion Policy follows the guidance and legislation set out in:

- **The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012**
- **Behaviour and discipline in schools, advice for Headteachers and school staff 2016**
- **DFE Exclusions from maintained schools, Academies and student referral units in England guide, which refer to the following Education Acts:**

*The Education Act 2002, as amended by the Education Act 2011*

*The School Discipline (student Exclusions and Reviews (England) Regulations 2012*

*The Education and Inspectors Act 2006 and The Education (Provision of Full-Time Education for Excluded students) (England) Regulations 2007*

## 3. Aims and Objectives

The purpose of the policy is to briefly outline Newfield School's approach to fixed term suspension or permanent exclusion within the statutory framework as defined **in 'The School Discipline (Student Exclusions and Reviews - England) Regulations 2012'** and the **DFE Exclusions from maintained schools, Academies and student referral units in England** guide. 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 and to ensure there is a fair, reasonable, rigorous and robust system for dealing with exclusions consistently across school.

## 4. Principles

Fixed term suspension or permanent exclusion is a sanction used by the school only in cases deemed as serious breaches of Newfield School's Behaviour Policy.

**A student may be at risk of fixed term suspension or permanent exclusion for:**

- Behaviour that places the student or others in danger;
- Setting off the fire alarm other than in the case of an emergency;

- Any form of physical or verbal abuse towards any member of the school community, including gathering in a large group intending to intimidate others;
- Physical assault against another person (student or member of staff);
- Bullying and or intimidation;
- Enticing/ organising a confrontation between parties;
- Inappropriate use of social media and electronic/mobile devices;
- Serious verbal abuse/foul language directed towards staff;
- Direct and continual refusal to follow reasonable requests;
- Serious theft;
- Serious racism, discrimination, victimisation or harassment;
- Malicious allegations against a member of staff;
- Continued breaches of the school behaviour policy;
- Persistent disruptive behaviour;
- Sexual misconduct, including sexting, supply or possession of pornography or indecent images;
- Deliberate damage to school property or the belongings of others;
- Poor behaviour of a student outside of school that damages the reputation of the school in the wider community;
- Bringing on to the school premises, found in the possession of and/or have the intent to use cigarettes (including electronic), matches and lighters. This also applies to travel to and from school;
- Any other extreme misbehaviour which is deemed outside the remit of the normal range of sanctions.
- If a comment or action is deemed to be abusive against a protected characteristic as set out in the Equalities Duty of 2010 a fixed term suspension may be issued.

**A student faces permanent exclusion in the following circumstances:**

- Bringing on to the school premises, found in the possession of and/or have the intent to use any harmful or illegal substances, including drugs, alcohol and fireworks. This also applies to travel to and from school;
- Bringing on to the school premises, found in the possession of and/or have the intent to use fireworks. This also applies to travel to and from school;
- Bringing on to the school premises, found in the possession of and/or have the intent to use any type of weapon, including any type of knife / penknife or any type of gun, including toy guns and replicas. This also applies to travel to and from school;
- Serious physical assault against another person (student, member of staff or visitor);
- On-Going persistent disruptive behaviour despite intervention to address this.

This list is not exhaustive.

Students can avoid all sanctions by arriving on time to school and lessons, by wearing the correct uniform, by following our classroom rules, by being polite and respectful and working hard. Parents can support pupils by ensuring they have everything they need and reinforcing the school values.

**Having agreed that the offence committed fits one or more of the above criteria further considerations will influence any decision about the length of suspension or whether it is to be permanent, these include:**

- The student's previous record, and if this includes Fixed Term suspension, it may necessitate an escalation in the length of the Fixed Term suspension;
- The threat to the health, safety and welfare of those in the school community;
- The effect on other students in relation to their learning entitlement;
- The threat to the school standards and behaviour;
- The detriment the incident has had on the school's reputation;
- The precedents – how other students have been treated in similar cases (when appropriate).

**The above considerations will also determine whether the suspension is for a fixed term or a permanent exclusion.**

- When establishing facts in relation to the fixed term suspension or permanent exclusion the Headteacher must apply the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that the fact is true, rather than the criminal standard of 'beyond reasonable doubt'
- A student may be fixed term suspended for one or more fixed periods up to 45 school days in an academic year or permanently.
- **A fixed term suspension** from school can only be authorised by the Headteacher or the Deputy Headteacher acting on their behalf. If none are available to authorise the fixed term suspension a decision should be deferred until the opportunity for authorisation is available.

#### **5. Notification of a Fixed Term Suspension**

- Parents will be notified as soon as possible of the decision to suspend a student and the reason for the fixed term suspension. This will be done on the day the fixed term suspension is authorised either by direct telephone contact or in a face-to-face meeting. Written confirmation of the reasons for the fixed term suspension will be sent to parents the same day.
- Work will be provided by school for the student to undertake during the fixed term suspension period. This should be completed by the student and returned to school for marking and feedback.
- Students who are suspended will also have the reason for the fixed term suspension explained to them so that they understand the nature of their misbehaviour.

#### **6. Students returning from a Fixed Term Suspension**

All students returning from fixed term suspension are required to attend a reintegration meeting, accompanied by a parent or carer. This meeting will seek to establish practical ways in which further fixed term suspension can be avoided and behaviour modified to acceptable standards in partnership between the student, parents and the school. If the student in question is unremorseful, the Headteacher reserves the right to refuse re-admission to the school and impose a further sanction. Governors may be invited to attend re-admission meetings when students hit trigger points as outlined in the Consistent Discipline Model Policy.

#### **7. Permanent Exclusion**

**A decision to exclude a student permanently will be taken:**

- In response to a serious breach, or persistent breaches, of the school's behaviour policy

and...

- Where allowing the student to remain in school would seriously harm the education or welfare of the student or others in school.
- In the case of a **permanent exclusion**, this can only be authorised by the Headteacher / acting Headteacher. Once the Headteacher / acting Headteacher has decided on a permanent exclusion, the student and parents will be informed in writing, a face to face meeting may be called or a telephone call made where this is not possible.
- The **Governor Panel** will meet to hear the case of the **permanent exclusion**. Both the school and the parents present their case and upon hearing the evidence provided, they will make a decision to either uphold or overturn the permanent exclusion.
- A Governor Panel meeting must consist of at least 3 governors and there should be representation from the parents, Headteacher and by invitation, a representative of the Local Authority.
- All parties will be notified of this meeting and will receive all relevant paperwork within the 5 days before the Governor Panel is due to meet.
- Where parents dispute the decision of the panel not to reinstate a permanently excluded student, they can ask for the decision to be reviewed by an independent review panel. The independent panel cannot direct that the student be reinstated but they can ask for the decision to be reconsidered.
- Copies of documents for both fixed term suspensions and permanent exclusions should be forwarded to the Local Authority immediately.
- The school seeks to reduce the number of incidents leading to suspensions by promoting a positive atmosphere of mutual respect and discipline within the school (See CDM Policy and Rewards Policy)
- The school regularly monitors the number of fixed term suspensions and permanent 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. Reports are sent to the Local Authority and presented to the Governing Body at least termly.
- The Local Authority (LA) inclusion officer will be informed immediately of all permanent exclusions. Copies of documents for permanent exclusions should be forwarded to the authority immediately.
- In the case of a permanent exclusion a risk assessment and referral form should be completed and sent to the appropriate officer in the LA to enable them to provide suitable education on the 6<sup>th</sup> day of the exclusion.

## **8. Appeals**

- All correspondence regarding fixed term suspensions or permanent exclusion will inform parents of their right to appeal to the Governing Body against the decision to fixed term suspend or permanently exclude. The procedure is clearly set out in the statutory guidance.
- The person who should be contacted to initiate an appeal is the Clerk to the Governors

## **9. Policy Review**

This policy will be reviewed on an annual basis.