

# Saint Martin's Catholic Academy

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## Exclusion Policy

*'Knowing the best that has been thought  
and said and knowing that we are loved by God'*

Approved by:	Leo Burton	Date: January 2023
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Last reviewed on:	January 2023
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Next review due by:	January 2024
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## Purpose

The purpose of this policy is to set out the approach that St Martin's Catholic Academy will take in relation to the exclusion of students. This policy links to the school's Behaviour Policy and it takes account of the DfE Guide on Exclusion for Maintained Schools and Academies and referral units in England (2012)

## Aims

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

## Roles & Responsibilities

The Principal is responsible for ensuring the fair and consistent implementation of the policy and for all decisions on whether or not to exclude a student. The Principal may delegate to other senior leaders the arrangements for the support for students in danger of exclusion and for the reintegration of students returning to school after a fixed-term exclusion. The Governing Body is responsible for deciding whether or not to confirm the Principal's decision to exclude a student. 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.

## 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 school's Behaviour Policy:

- Peer-on-peer abuse (including, but not necessarily limited to, relevant examples in the remainder of this list)
- Physical assault against a student
- Physical assault against an adult
- Verbal abuse/threatening behaviour against a student
- Verbal abuse/threatening behaviour against an adult
- Bullying
- Racist abuse
- Sexual misconduct
- Drug and alcohol offences (using or bringing on site)
- Damage
- Theft
- Weapon offences (using or bringing weapons on site, or using permitted equipment as a weapon)
- Making false allegations about members of staff
- Persistent disruptive behaviour (to the point where a student reaches 'Phase 6' – see Behaviour Intervention Phases section of Behaviour Policy)

**This is not an exhaustive list and there may be other situations where the Principal 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.

There are two main types of situation in which permanent exclusion may be considered. The first is where a student 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 Principal'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 Principal will work with the Local Authority and other agencies to ensure that suitable alternative provision is found for the student in question.

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

Before deciding whether to exclude a student, the Principal will:

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

The Principal has to be satisfied on the balance of probabilities that the student was responsible for the behaviour(s) in question.

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

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

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations by the Governing Body if it is required to meet to consider a parental appeal against the Principal's decision to permanently exclude. The Governing Body will require the Principal to explain the reasons for the decision and will look at appropriate evidence such as the student's school record, witness statements and the strategies used by the school to support the student prior to exclusion.

### **Informing parents/carers**

Whenever a student is excluded, the Principal will, without delay, 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 school**

Students 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.

The school will pay due regard to the guidance on students with statements of SEN, looked after students and those from groups with consistently higher than average rates of exclusions

## **Procedures**

### **Fixed Term Exclusions**

- This may be for up to 45 school days in any one year.
- Parents/carers 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.
- Where the exclusion brings the total days of exclusion for the term above fifteen school days, a Governors' disciplinary meeting will be held.
- The meeting to plan the student's readmission would normally be conducted by the Head of Year or a member of the school's Senior Leadership Team, but may also involve staff who work with the student.
- Wherever practicable, work should be provided by the school for any student 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 student 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 Principal's decision.

### **Fixed Term Exclusion Meetings (Reintegration)**

There are three possible outcomes from a reintegration meeting:

1. The student is returned to school (which may come with additional requirements, parents/student contract and/or restorative justice support)
2. Extending the period of the Fixed Term Exclusion
3. Turning the Fixed Term Exclusion to a Permanent Exclusion

It is most desirable to return students to school and other options are used where this is not possible.

Parents are welcome to bring a supporter to the reintegration meeting. Students are expected to attend in full uniform. The meeting will usually be held with a member of the Senior Leadership Team. The Principal or a Governor may also be present.

### **Post Exclusion Support**

Following a Fixed Term Exclusion, there is usually a period of time spent in the pastoral area working with the Pastoral Manager to address issues that led to the exclusion. In many cases, this will involve working towards restorative justice (e.g. reconciliation meetings with victims of the excluded student's behaviour). Where appropriate, the use of external agencies to support students is explored if this has not already been put in place prior to exclusion. Where external agencies are already involved, their use is reviewed.

## **'Managed Moves' and Alternative Provision**

As a member of the Hinckley and Bosworth Education Partnership (HBEP), St Martin's is committed to exploring alternatives to permanent exclusion where a student would otherwise be at high risk of being issued one. One such alternative is known as a 'managed move', whereby a St Martin's student is educated at another school in the HBEP for a trial period (provisionally six weeks, though this probationary period can be extended for a time after this). Should this managed move prove a success and all parties are in agreement, the arrangement is either made permanent (KS4) or the student leaves St Martin's and goes on to the roll of the partner school (KS3).

Should an attempt at a managed move prove unsuccessful, and the student's behaviour upon returning to St Martin's continues to demonstrate a disregard for the school's Behaviour Policy, Alternative Provision will be sought out in preference to issuing a permanent exclusion. When Alternative Provision is in place, the student would remain on the roll of St Martin's (and therefore not constitute an example of what is sometimes referred to as 'off-rolling'), and continue to receive the support of (a) designated member(s) of the St Martin's staff. Alternative provision will always be sought initially in preference to permanent exclusion as it is believed that this offers the student a better prospect of securing some positive educational outcomes, and the resources that may help them to improve their behavioural choices going forward.

## **Permanent Exclusions**

Following either a serious incident or a catalogue of incidents through which a student demonstrates an unwillingness to comply with the expectations outlined in the Behaviour Policy, the Principal may decide to issue a permanent exclusion if reasonable attempts at finding Alternative Provision prove unsuccessful. The following actions should then take place:

- The parent, Local Education Officer and Chair of Governors should be informed of the decision by first class post, with the letter including details regarding the appeals process.
- The chair of governors should convene a meeting to consider reinstatement within 15 days of the date of notification by the Principal, giving at least seven clear days' written notice to other governors. The meeting should be held during normal school hours wherever possible.
- The quorum for the meeting is three governors, none of whom may be the Principal or any individual involved in the incident leading to the exclusion.

Permanent Exclusion Appeals Meetings (only if parents appeal against the Principal's decision to permanently exclude)

1. Governors elect a chair for the committee considering the appeal 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 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 Local Authority to consider whether to uphold the Principal's decision or to direct reinstatement, and to consider the parents' representations.
3. The chair of the committee should also explain that if reinstatement is not agreed, the parent will have the right of appeal to an independent appeal committee.
4. The chair should outline the procedure to be followed during the meeting.
5. The Principal should put forward the school's case.
6. The parent(s), student and supporter may seek advice about what is in the report or about what has been said during the meeting.
7. Members of the committee may ask the Principal questions.

8. The Local Authority representative and any other Local Authority staff who may be invited (eg educational psychologist) may ask the Principal questions.
9. The parent(s), student and supporter put forward their views and comments to the committee and Local Authority representative.
10. The Principal may ask questions of the parent(s), student and supporter.
11. The committee may ask questions of the parent(s), student and supporter.
12. The Local Authority representative may ask questions of the parent(s), student and supporter.
13. The chair draws attention to points that the governors' committee will need to consider in determining their decision.
14. The Principal may request a brief adjournment to consider whether he/she wishes the student to be reinstated in the light of the representations made.
15. Summing up by the Principal.
16. Summing up by the parent(s) and/or supporter.
17. The parent(s), student, Principal and Local Authority 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.
18. If the Governors are satisfied after hearing the case of the guilt of the student in relation to the allegations of their misconduct, they then have to decide whether permanent exclusion is 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.
19. All the contents of the meeting should be minuted.
20. Parents will receive a formal letter from the secretary of the governors' committee and from the Local Authority representative in due course, setting out their respective decisions, with reasons.