



Archdiocese of  
Birmingham

# St Thomas More

## Catholic Academy

### All Saints Catholic Collegiate

### Exclusion Policy

Date of publication	May 2022
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Headteacher	Mr M Rayner

#### Links to other policies:

- **Safeguarding/Child Protection**
- **SEND**
- **Anti-Bullying**
- **Attendance**
- **Behaviour for Learning**

## ***United in Faith, Love and Learning*** **Mission Statement**

*Christ is at the heart of our community, where everyone is known and loved.  
In fulfilling our mission we are a school of prayer. We live as a community of love,  
peace and reconciliation, valuing everyone's dignity as a child of God to promote and  
celebrate the growth and achievement of the whole person.*

### **Rationale**

This policy deals with the policy and practice which informs the school's use of exclusion. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

- 1) The first is to ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed;
- 2) The second is to realise the aim of reducing the need to use exclusion as a sanction.

### **Introduction**

Exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Headteacher, the Deputy Headteacher).

Exclusion, whether suspension or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the school's Behaviour Policy:

- Verbal abuse to Staff and others
- Verbal abuse to students
- Physical abuse to/attack on Staff
- Physical abuse to/attack on students
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Bullying
- Theft
- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Being in possession of an offensive weapon.
- Using an offensive weapon.
- Being in possession of a firework.
- Setting a firework off.
- Arson.

- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the student's behaviour.
- Persistent disruptive behavior

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgment that exclusion is an appropriate sanction.

### **What legislation does this guide relate to?**

The principal legislation to which this guidance relates is:

- Education Act 2002, as amended by the Education Act 2011;
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- Education and Inspections Act 2006;
- Education Act 1996; and
- Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014.
- Exclusion From Maintained Schools, Academies and Pupil Referral Units in England: Statutory Guidance For Those With Legal Responsibilities In Relation To Exclusion September 2017

### **Exclusion procedure**

- Most exclusions are of a fixed term nature (suspension) and are of short duration
- The DfE regulations allow the Headteacher to suspend a student for one or more fixed periods not exceeding 45 school days in any one school year.
- The Academy Representatives have established arrangements to review promptly all permanent exclusions from the school and all suspensions that would lead to a student being suspended for over 15 days in a school term or missing a public examination.
- The Academy Representatives have established arrangements to review suspensions which would lead to a student being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations.
- Following suspension parents are contacted immediately where possible. A letter will be sent by post giving details of the suspension and the date the suspension ends. Parents have a right to make representations to the Academy Representatives as advised in the letter.
- A Return to School meeting will be held following the expiry of the suspension and this will normally involve the Head of Year, a member of the Senior Leadership Team and/or the Headteacher.
- It is school practice to place the student on report to the Head of Year or Senior Leadership Team usually for one week to monitor behaviour and work. A Pastoral Support Plan will also be considered and/or a Return To School Contract will be implemented. These will be agreed with the school, student and parents.
- A suspension can occasionally take the form of a Fixed Term Inclusion. However, in most circumstances, either because of the severity of the incident

or because of practical or logistical constraints, such suspension will result in the student being required to remain at home.

- During the course of a suspension where the student is to be at home, parents/guardians are advised that the student is not allowed on the school premises and that daytime supervision is their responsibility, as parents/guardians. In line with legislation students are not allowed to be present in a public place during school hours without reasonable justification. Work will be set by the school for the period of suspension.

### **Monitoring Arrangements**

Mrs Stubbs (Assistant Headteacher) monitors the number of suspensions every term and reports back to the Headteacher and governors. They also liaise with the LA and/or relevant organisations to ensure suitable full-time education for suspended students.

### **General factors the school considers before making a decision to suspend**

- Suspension will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the student concerned. Before deciding whether to exclude a student, either permanently or for a fixed period, the Headteacher will:
  - Ensure appropriate investigations have been carried out.
  - Consider all the evidence available to support the allegations, taking into account the Behaviour for Learning, Equal Opportunity and Race Equality Policies.
  - Allow the student to give their version of events.
  - Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.

If the Headteacher is satisfied that on the balance of probabilities the student did what they are alleged to have done, suspension or permanent exclusion will be the outcome.

### **Exercise of discretion**

In reaching a decision, the Headteacher will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

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

- a) the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the school's Behaviour for Learning Policy and
- b) the effect that the student remaining in the school would have on the education and welfare of other students and staff.

Nonetheless, in the case of a student found in possession of an offensive weapon, or in instances of physical assaults to members of staff, it is the school's usual policy in this particularly serious matter to issue a permanent exclusion.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Academy Representatives' Student Discipline Committee, when it meets to consider the Headteacher's decision to suspend or exclude. This Committee will require the Headteacher 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.

### **Alternatives to Suspension or Exclusion**

The school actively pursues a policy of using alternatives to both fixed term suspension and permanent exclusions in the following ways.

- The school uses the sanction of Fixed Term Inclusion as an interim sanction measure for serious breaches of the School Code of Conduct. A student may be at risk of Fixed Term Inclusion for serious offences or continual problems despite other strategies having been used, at the discretion of the Senior Leadership Team.
- As an alternative to a suspension, the school works in partnership with other local schools to arrange education at a different school establishment for a fixed period of time. This is called Alternative Provision (AP). This is done at the discretion of the Headteacher of both schools and may involve an alternative start and end time for the day. Parents/carers are responsible for transportation to and from the receiving school throughout the time of the AP. Parents/carers can speak to school if necessary. This sanction is also used from the 6th Day of a suspension. For Looked After Children AP will be sought from day 1 of a suspension, where possible.
- A student with a poor disciplinary record who may be close to a permanent exclusion will meet with their parents and a member of the Senior Leadership Team. Consideration will also be given to an Early Help in order to attempt to support the identified needs and prevent the need for further consequences. A Pastoral Support Plan (PSP) will be put into place and the student will be monitored.
- Should the PSP and /or other measures fail and a student is deemed to be very close to permanent exclusion then they, subject to meetings with parents, may be referred to alternative provision for a fixed period of time.
- A Managed Move may be considered by the school. This is where there is a transfer of a student to another school, if there is agreement between everyone involved, including the parents and the admission authority for the new school.
- The school cannot force a parent to remove their child permanently from the school or to keep their child out of school for any period of time without formally excluding.

### **Returning From Suspension**

Following a suspension, a re-integration meeting will be held involving the student, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a student returns from a suspension:

- Agreeing a behaviour contract (RTS or PSP)
- Putting a student 'on report'
- Pastoral Pupil Passport will be completed

## **Behaviour Outside School**

Students' behaviour outside school - on school "business" for example, school trips and journeys, away school sports fixtures or a work experience placement, or travelling to and/or from school - is subject to the school's Behaviour for Learning Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in the school. For behaviour outside school but not on school business 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, or adversely affecting the reputation of the school.

If students' behaviour in the immediate vicinity of the school or on a journey to and from school is poor, and meets the school criteria for suspension/exclusion, then the Headteacher may decide to suspend/exclude.

## **Drug Related Exclusions**

This policy is written in accordance with the advice and guidance outlined within the DfE and ACPO's Drug Advice For Schools which states:

*"Any response to drug-related incidents needs to balance the needs of the individual pupils concerned with the wider school community. In deciding what action to take schools should follow their own disciplinary procedures."*

In making a decision on whether or not to suspend or exclude for a drug-related offence the Headteacher will have regard to the school's published policy on drugs and will also seek advice from the LA's Drugs Education Advisor if necessary. The decision will depend on the precise circumstances of the case and the evidence available. In some cases, suspension will be more appropriate than permanent exclusion. The Headteacher will make a judgment set against the criteria in the school's Drugs Policy.

## **Permanent Exclusion**

The decision to exclude a student permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered.

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying) or repeated possession and/or use of an illegal drug on school premises.
2. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies, and where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These might include:
  - Actual or threatened violence against another student or a member of staff.
  - Sexual abuse or assault.
  - Supplying an illegal drug.
  - Bringing an illegal drug into school
  - Carrying an offensive weapon \*.
  - Arson.

- Assault on a member of staff

The school, in line with its protocols, will consider police involvement for any of the above offences.

\* Offensive weapons are defined in the Prevention of Crime Act 1953 as “any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him or by some other person.”

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well being of the School.

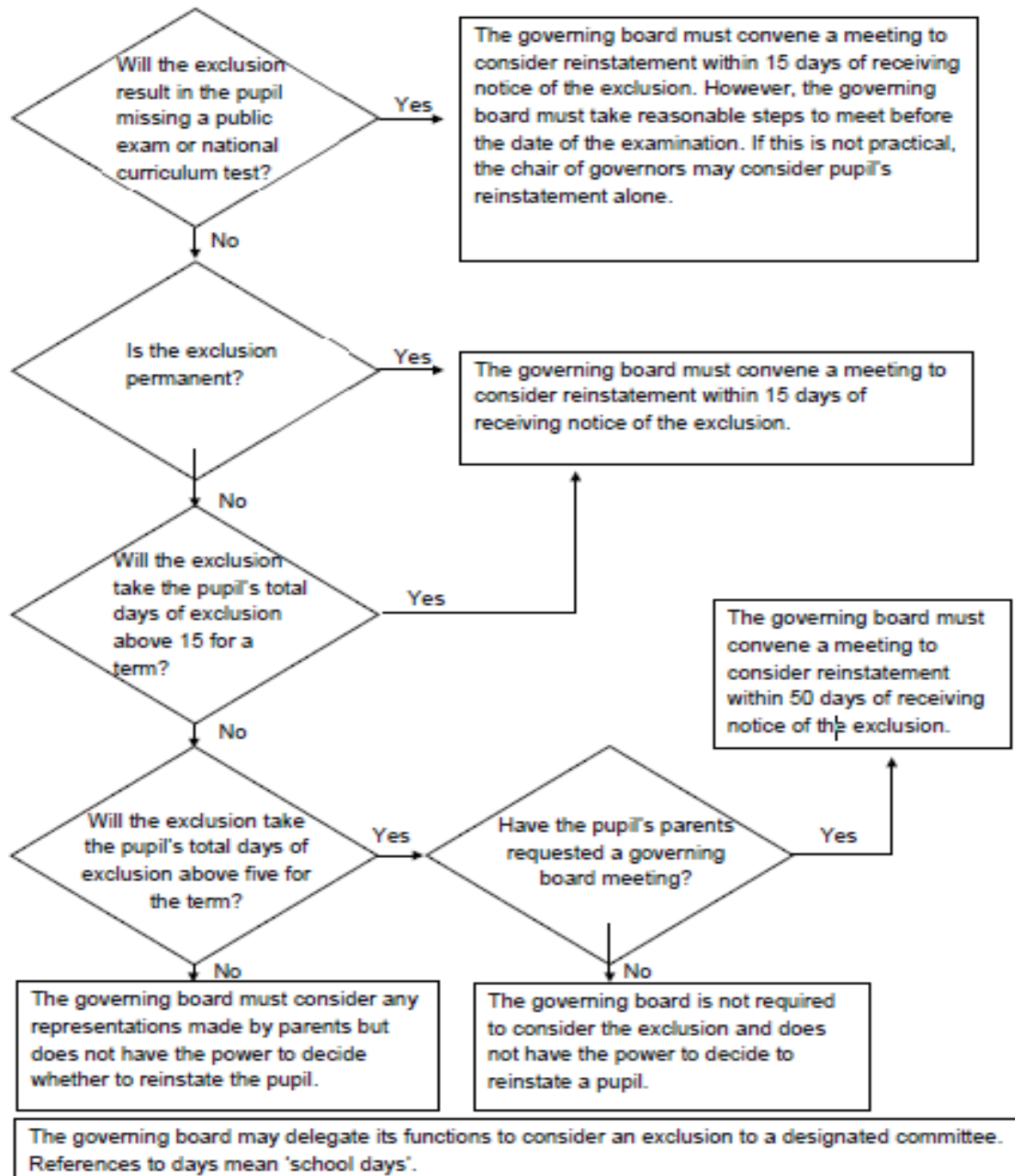
The decision to permanently exclude a student will be taken in the following circumstances:-

- (a) In response to a serious breach, or persistent breaches, of the school’s Behaviour for Learning Policy;
- (b) If allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.



## Appendix 1

### A Summary of the governing board's duties to review the headteacher's exclusion decision



## Appendix 2



## **Model letter 1**

**From head teacher notifying parent of a suspension 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 suspend **[Child's Name]** for **[specify number of days]**. This means that he/she will not be allowed in school for this period. The suspension begins/began on **[date]** and ends on **[date]**.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[Child's Name]** has not been taken lightly. **[Child's Name]** has been suspended for **[specify number of days]** due to **[specify reason for suspension]**.

You have a duty to ensure that your child is not present in a public place in school hours during this suspension **[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]** to be completed on the days specified in the previous paragraph as school days during the period of his/her suspension **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the Governing Board. 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 Board 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 be aware that if you think the suspension 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 <http://www.justice.gov.uk/tribunals/send/appeals>.

You have the right to see a copy of **[child's name]** school record. Due to confidentiality restrictions, you will need to 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.

For your information the following sources of information are available to you:

- You may wish to contact the Exclusions Officer at Stoke-on-Trent City Council, who can offer general advice on the suspension process.
- Louise McManus. Telephone: 01782 236821; email: [louise.mcmanus@stoke.gov.uk](mailto:louise.mcmanus@stoke.gov.uk)

- You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0345 345 4345 or on [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com).
- ACE education runs a limited advice line service on 0300 0115 142 on Monday to Wednesday from 10am to 1pm term time only. Information can be found on the website: <http://www.ace-ed.org.uk>
- Independent Parental Special Education Advice <http://www.ipsea.org.uk>
- The Department for Education statutory exclusions guidance can be found at [www.education.gov.uk/schools/pupilsupport/behaviour/exclusion](http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion)

**[Optional paragraph for reintegration interview]**

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.

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

Yours sincerely

**[Name]**  
Head teacher

## **Model letter 2**

**From head teacher notifying parent(s) of a pupil suspension for more than 5 school days (up to and including 15 school days) in a term.**

Dear ***[Parent's name]***

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

I realise that this suspension may well be upsetting for you and your family, but my decision to suspend ***[Child's Name]*** has not been taken lightly. ***[Child's Name]*** has been suspended for this period due to ***[specify reasons for suspension]***.

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 the suspension is for fewer than 5 days]*** of this suspension, 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/her suspension ***[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 suspension is for more than 5 days]***

From the ***[6th school day of the pupil's suspension]*** ***[specify date]*** until the expiry of the suspension we ***[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/she 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]***

You have the right to request a meeting of the Governing Board to whom you may make representations, and my decision to issue a suspension can be reviewed. As the period of this suspension is more than 5 school days in a term the governing board must meet if you request it to do so. The latest date by which the Governing Board 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 suspension]***. If you do wish to make representations to the Governing Board, 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 suspension 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

<http://www.justice.gov.uk/tribunals/send/appeals>. Making a claim would not affect your right to make representations to the discipline committee.

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.

For your information the following sources of information are available to you:

- You may wish to contact the Exclusions Officer at Stoke-on-Trent City Council, who can offer general advice on the suspension process.
- Louise McManus, Telephone: 01782 236821; email: [louise.mcmanus@stoke.gov.uk](mailto:louise.mcmanus@stoke.gov.uk)
- You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0345 345 4345 or on [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com).
- ACE education runs a limited advice line service on 0300 0115 142 on Monday to Wednesday from 10am to 1pm term time only. Information can be found on the website: <http://www.ace-ed.org.uk>
- Independent Parental Special Education Advice <http://www.ipsea.org.uk>
- The Department for Education statutory exclusions guidance can be found at [www.education.gov.uk/schools/pupilsupport/behaviour/exclusion](http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion)

**[Optional paragraph for reintegration interview]**

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.

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

Yours sincerely

**[Name]**  
Head teacher

### **Model letter 3**

**From head teacher notifying parent of a suspension of more than 15 school days in total in one term.**

Dear **[Parent's Name]**

I am writing to inform you of my decision to suspend **[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 suspension begins/began on **[date]** and ends on **[date]**.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend **[Child's Name]** has not been taken lightly. **[Child's Name]** has been suspended for this period due to **[specify reason for suspension]**.

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 suspension 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 suspension **[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 suspension is for more than 5 days]**

From the **[6th school day of the pupil's suspension] [specify date]** until the expiry of this suspension we **[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/she 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]**

As the length of the suspension is more than 15 school days in total in one term the Governing Board must meet to consider the suspension. At the review meeting you may make representations to the Governing Board if you wish. The latest date on which the Governing Board can meet is **[date here — no later than 15 school days from the date the Governing Board is notified]**. If you wish to make representations to the Governing Board 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 Board 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 be aware that if you think the suspension 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 <http://www.justice.gov.uk/tribunals/send/appeals>. Making a claim would not affect your right to make representations to the governing board.

You have the right to see 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 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.

For your information the following sources of information are available to you:

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- Louise McManus/ Telephone: 01782 236821; email: [louise.mcmanus@stoke.gov.uk](mailto:louise.mcmanus@stoke.gov.uk)
- You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0345 345 4345 or on [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com).
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- The Department for Education statutory exclusions guidance can be found at [www.education.gov.uk/schools/pupilsupport/behaviour/exclusion](http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion)

**[Optional paragraph for reintegration interview]**

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.

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

Yours sincerely

**[Name]**  
Head teacher