

Norton College (Worcester) Limited and Norton College (Tewkesbury) Limited (the College)

Exclusion Policy



Statement of intent

At Norton College, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Excluding a student may be required in instances where there has been a serious breach, or consistent breaches, of the College’s Behaviour Policy or where allowing the student to remain in College would be damaging to the education and welfare of themselves or others; in all cases, excluding students should only be used as a means of last resort.

The College has created this policy to clearly define the legal responsibilities of the Head of School, Board of Directors and Local Authorities when responding to student exclusions, in order to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

This policy also aims to secure a student’s right to an education despite having been excluded, by ensuring that appropriate arrangements are in place.

Date policy last reviewed:		09/02/2023	
Date for next review:		09/02/2024 (Annually)	
Signed by:			
	Executive Headteacher	Date:	09/02/23
	Board of Directors	Date:	09/02/23

1. Legal framework

1.1 This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 2002
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Education and Inspections Act 2006
- Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- The European Convention on Human Rights (ECHR)
- Equality Act 2010

1.2 This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2017) 'Exclusion from maintained schools, academies and pupil referral units in England'
- DfE (2022) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE (2022) 'Behaviour in Schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

2. Grounds for exclusion

2.1 The College will only exclude a student where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the College's Student Code of Conduct, have failed to be successful.

2.2 The following examples of behaviour may underline the College's decision to exclude a student:

- Any incident which poses a risk to other students or members of staff,
- e.g. bringing a weapon onto the premises
- Any incidents which breach the law
- Persistent and severe bullying
- Verbal and physical abuse
- Constant disruption
- A single, serious and major incident, e.g. serious assault on another individual leading to injury

2.3 Students can be excluded on a fixed-period basis, i.e. up to 45 College days within a year, or permanently. Similarly, students can be permanently excluded following a fixed-period exclusion, where further evidence is presented.

2.4 In all cases, the Head of School will decide which exclusion period a student will be subject to, depending on what the circumstances warrant.

3. The Head of School's power to exclude

3.1 Only the Head of School has the power to exclude a student from the College and is able to decide whether this is on a fixed-period or permanent basis. All exclusions will only be issued on disciplinary grounds.

3.2 The Head of School is able to consider a student's disruptive behaviour outside of the College premises as grounds for exclusion, in accordance with the College's Student Code of Conduct.

3.3 Any decision made to exclude a student will be lawful, proportionate and fair, with respect to legislation relating directly to exclusions and the College's wider legal duties, including the European Convention of Human Rights.

3.4 All exclusions will be formally recorded.

3.5 When sending a student home following any exclusion, the Head of School will ensure that they exercise their duty of care at all times and will always inform the parents/carers.

3.6 The Head of School may withdraw any exclusion that has not already been reviewed by the Board of Directors.

3.7 At all times, the Head of School will take into account their legal duties under the Equality Act 2010 and the special educational needs and disability code of practice: 0 to 25 years, ensuring that they do not discriminate on any grounds, e.g. race, sex, disability, and will not increase the severity of a student's exclusion on these grounds.

3.8 The Head of School will not use the threat of exclusion as a means of instructing parents/carers to remove their child from the premises.

4. Factors to consider when excluding a student

4.1 When considering the exclusion of a student, the Head of School will:

- Allow the student the opportunity to present their case.
- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the student's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the student has received multiple exclusions or is approaching the legal limit of 45 excluded days per College year, and whether exclusion is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess students who demonstrate consistently poor behaviour.

4.2 The Head of School will consider what extra support may be available for vulnerable student groups whose exclusion rates are higher, in order to reduce their risk of exclusion, including the following:

- LAC
- Students eligible for free College meals

4.3 Where any member of staff has concerns about vulnerable student groups and their behaviour, they will report this to the Head of School who will consider what extra support or alternative placement is required.

4.4 The Head of School will work in conjunction with the parents/carers of any student with additional needs, in order to establish the most effective support mechanisms.

5. Duty to inform parents

5.1 Following the Head of School's decision to exclude a student, they will immediately inform, in person or by telephone, the parents/carers of the period of the exclusion and the reasons behind this.

5.2 The Head of School will inform the parents in writing of the following:

- The reason(s) for the exclusion
- The length of the fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent
- Their right to raise any representations about the exclusion to the Board of Directors, including how the student will be involved in this and how the representations will be made
- Their right to attend a meeting where there is a legal requirement for the Board of Directors to consider the exclusion, and the fact that they are able to bring an accompanying individual
- The arrangements that have been made for the student to continue their education prior to the organisation of any alternative provision, or the student's return to College

5.3 Where the student is of compulsory College age, the Head of School will inform the parents by the end of the afternoon session that:

- For the first five days of the exclusion (or until the start date of any alternative provision or the end of the exclusion where this is earlier), parents are legally required to ensure that their child is not present in a public place during College hours without justification.

5.4 Where the Head of School has arranged alternative provision, they will also inform the parents/carers of the following:

- The start and end date for any provision of full-time education
- The address at which the provision will take place
- Any information necessary for the student to identify the person they should report to on the starting date

5.5 Where the Head of School is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the student beginning the provision.

5.6 If the alternative provision is due to begin before the sixth day of exclusion, the Head of School is able to give less than 48 hours of notice, with parental consent.

5.7 If the Head of School has decided to exclude the student for a further fixed period following their original exclusion, or to permanently exclude them, they will notify the parents/carers without delay and issue a new exclusion notice to parents/carers.

6. Duty to inform the Board of Directors and LA

6.1 The Head of School will inform the Board of Directors and LA, without delay, of the following:

- Any permanent exclusions (including where a fixed-period exclusion is followed by a decision to permanently exclude the student)
- Any exclusions which would result in the student being excluded for more than five College days in a term
- Any exclusions which would result in the student being absent from an examination or national curriculum test

6.2 All notifications to the Board of Directors and LA will include the reasons for exclusion and the duration of any fixed-period exclusion.

6.3 If the student who is excluded lives outside the LA in which the College is located, the Head of School will notify the student's 'home authority'.

7. Duty to inform social workers and the virtual school head (VSH)

7.1 When a pupil has been suspended or excluded, the headteacher will, without delay, notify the pupil's social worker, if they have one, and the VSH, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion.

7.2 Social workers and/or the VSH will also be informed when a meeting of the governing board is taking place, and will be invited to attend the meeting should they wish to do so.

8. Arranging education for excluded students

8.1 For any fixed-period exclusions of more than five College days, the Head of School will arrange suitable full-time education for the student, which will begin no later than the sixth day of exclusion.

8.2 Where a student receives consecutive fixed-period exclusions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of exclusion.

8.3 For permanent exclusions, full-time education will also be provided for the student from the sixth day of exclusion.

8.4 The Head of School will not arrange full-time education for any student who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.

8.5 Where it is not possible to arrange alternative provision during the first five days of exclusion, the College will ensure that they take reasonable steps to set and mark work for the excluded student.

9. Considering exclusions

9.1 The Board of Directors will consider any representations made by parents/carers in regard to exclusion.

9.2 Parents/carers and, where requested, a friend or representative, the Head of School and a member of the LA will be invited to attend any consideration of exclusions and will be able to make representations.

9.3 Any meeting to consider reinstatement of a student will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

9.4 The Board of Directors will consider the reinstatement of an excluded student, where:

- The exclusion is permanent.
- The exclusion is fixed-period, and would bring the student's total number of excluded College days to more than 15 in any given term.
- The exclusion would result in the student missing a public examination.

9.5 In light of the above, the Board of Directors will also consider whether it would be appropriate to allow the excluded student to enter the premises to take the examination.

9.6 When considering the reinstatement of an excluded student, the Board of Directors will:

- Only discuss the exclusion with the parties present at the meeting.
- Ask for any written evidence prior to the meeting.
- Circulate any written evidence and information to all parties, at least five College days in advance of the meeting.
- Allow students and parents/carers to be accompanied by a person of their choice at the meeting.
- Identify the steps needed to enable and encourage the excluded student to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the excluded student, including the grounds for exclusion.

10. Reaching a decision

10.1 After considering exclusions, the Board of Directors will either:

- Decline to reinstate the student.

- Direct the reinstatement of the student immediately, or on a specified date.

10.2 If reinstatement would make no practical difference, e.g. if the student has already returned to College following a fixed-period exclusion or the parents make clear they do not want their child reinstated, the Board of Directors will still consider whether the student should be officially reinstated, and whether the Head of School's decision to exclude the student was fair, lawful and proportionate, based on the evidence presented.

11. Notification of considered exclusions

11.1 The Board of Directors will notify the parents of the excluded student, the Head of School and the LA of their decision following the consideration of an exclusion, in writing and without delay.

11.2 In the case of a permanent exclusion, where the Board of Directors decides not to reinstate the student, they will notify the parents:

- That it is permanent, and their right for it to be reviewed by an independent review panel.
- Of the date by which an application for review must be made.
- Of the name and address of whom the review application should be submitted to.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a
- Student's SEND are considered relevant to the exclusion.
- That, regardless of whether a student has been identified as having SEND, the parents have a right to require the board of directors to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.
- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

11.3 The Board of Directors will also notify parents/carers that, if they believe an exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

11.4 After any conclusion, the Board of Directors will notify the parents/carers, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

12. Removing permanently excluded students from the College register

12.1 The Head of School will remove students from the College register if:

- 15 College days have passed since the parents/carers were notified of the Board of Directors' decision not to reinstate the student and no application for an independent panel review has been received.
- The parents/carers have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.

12.2 If an application for an independent panel review has been made within 15 College days, the Head of School will wait until the review has been determined, or abandoned, and until the Board of Directors has completed any reconsideration that the panel recommended or directed it to carry out, before removing the student from the College register.

12.3 If a student's name is to be removed from the register, the Head of School will make a return to the LA, which will include:

- All the particulars which were entered in the register.
- The address of any parent/carer with whom the student normally resides.
- The grounds upon which the student's name is to be removed from the register.

12.4 Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the student's name was removed.

12.5 If a student's name has been removed from the register and a discrimination claim is made, the student may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

12.6 Whilst a student's name remains on the admissions register, the appropriate code will be used to mark the student's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

13. Criminal investigations

13.1 The Head of School will not postpone taking a decision to exclude a student due to a police investigation being underway, or any criminal proceedings that are in place.

13.2 The Head of School will give particular consideration when deciding to exclude a student where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

13.3 If the Board of Directors is required to consider the Head of School's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.