

The Headteacher's Power to Exclude

- ✓ Only the Headteacher of a school can exclude a pupil and this must be on disciplinary grounds. A pupil may be excluded for **one or more fixed periods** (up to a maximum of 45 school days in a single academic year), or **permanently**. A fixed period exclusion does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.
- ✓ Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to exclusion, such as the Headteacher's duty to notify parents, still apply.
- ✓ The behaviour of pupils outside school can be considered as grounds for exclusion.
- ✓ The Headteacher may withdraw an exclusion that has not been reviewed by the governing body.
- ✓ When establishing the facts in relation to an exclusion decision the Headteacher must apply the civil standard of proof i.e: 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.
- ✓ Headteachers and governing bodies must take account of their statutory duties in relation to Special Educational Needs (SEN) when administering the exclusion process. This includes having regard to the SEN Code of Practice.

Statutory guidance on factors that a Headteacher should consider before taking the decision to exclude

- ✓ A decision to exclude a pupil permanently should only be taken:
 - In response to serious 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
- ✓ The decision on whether to exclude is for a Headteacher to take. However, where practical, Headteachers should give pupils an opportunity to present their case before taking the decision to exclude.
- ✓ Whilst an exclusion may still be an appropriate sanction, Headteachers should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.

How this affects students at Cardinal Newman:

- ✓ All fixed term exclusions will be notified via a phone call and a letter outlining the reasons for this exclusion.
- ✓ It is the expectation that whilst students are not in school, they are suitably supervised and are not out in public spaces.

- ✓ All exclusions require a 'return to school meeting' which is an opportunity address the issue that resulted in the Fixed Term Exclusion and create an action plan to avoid any reoccurrence of the behaviours.
- ✓ Permanent Exclusions will be referred to the Local Authority and the Governing Body. A hearing with the Governing Body will always take place within 15 working days of the first day of permanent exclusion to consider the decision and all stakeholders make representation before a final decision is confirmed.

Internal Exclusion

Students may be excluded from lessons and social time for behaviour which is deemed serious. On such occasions, the student will be sent to the isolation room. If a student is placed in Internal Exclusion, their day will be extended until 4:10pm (3:40pm on Tuesday) and a parental meeting will need to take place with the Head of Year or member of leadership at a mutually convenient time.

Whilst in Internal exclusion, the student will have the opportunity to put the incident right with the support from his/her Head of Year and the Behaviour Support Team. Should a student's behaviour be not what is expected then the sanction maybe increased accordingly in line with the school behaviour policy

Permanent Exclusion

The decision to permanently exclude is never taken lightly and incidents at Cardinal Newman Catholic School are rare. However, this decision is sometimes necessary and while the list of behaviours that lead to permanent exclusion are non-exhaustive the school does take a zero-tolerance approach to possession of any illegal substance or bladed article. In such cases permanent exclusion is almost certainly inevitable.