

Approved by:

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**Mrs Pat Kerton
Chair of Governors**

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Exclusion Policy



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1. Introduction

Our school aims to ensure that:

- The suspension and permanent exclusion process is applied fairly and consistently
- The suspension and permanent exclusion process is understood by governors, staff, parents and young people
- Young people in school are safe and happy
- Young people do not become NEET (not in education, employment or training)

A decision to suspend or permanently exclude a young person, is seen as a last resort by the school while always bearing in mind our duty of care to young persons and staff. The Principal always has the final decision with regard to suspension or permanent exclusion.

The school will take account of any special educational needs when considering whether or not to exclude a young person. The Principal will ensure that reasonable steps have been taken by the school to respond to a young person's special educational needs or disability so the young person is not treated less favourably for reasons related to the disability. Reasonable steps may include:

- Actions in line with the Promoting Positive Relationships and Behaviour Policy
- Developing strategies with the young person to prevent repeating behaviours
- Requesting external help for the young person
- Staff training

No exclusion will be initiated without having first exhausted other strategies or, in the case of a serious single incident, having conducted a thorough investigation. Exclusion will not be enforced if doing so may put the safety of the young person at risk.

Reasons for suspension:

- A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school behaviour policy and show a young person that their current behaviour is putting them at risk of permanent exclusion

Reasons for permanent exclusion:

- Serious breach or persistent breaches of the school's rules or policies
- Where allowing the young person to remain in school would seriously harm the education or welfare of the young person or others such as staff or young people in the school

1. Suspension

Suspension will be used for the shortest time necessary.

a. Suspension for persistent or cumulative problems

This would be imposed by the Principal only when the school had already offered and implemented a range of support and management strategies.

b. Suspension for a Single Incident

The suspension may be used in response to a serious breach of school rules and policies or a disciplinary offence. In such cases the incident will be investigated thoroughly by the Leadership team, and the Principal will consider all evidence to support the allegation, taking account of the school's policies. The young person will be encouraged and, if necessary, be supported by familiar staff to give his/her version of events.

When establishing the facts in relation to a suspension or permanent exclusion decision, the Principal 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'.

Exclusion will not be used for minor incidents (e.g. lateness, poor academic performance or breaches of uniform rules).

c. Behaviour outside School

A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion

d. Marking Attendance Registers following Suspension or Permanent Exclusion

When a young person is excluded temporarily, they will be marked as absent using Code E.

2. Permanent Exclusion

A permanent exclusion is a very serious decision and the Principal will consult with the Chair of Governors and the Director for Children's Services before issuing it. As with a temporary exclusion, it will follow a range of strategies and be seen as a last resort.

a. Removal from School Role

A young person's name will be removed from the school admissions register if:

- Following a panel review of the Principal's decision, 5 school days have passed since the parents were notified to not reinstate the young person and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a young person's name from the register

3. The Decision to Suspend or Permanently Exclude

Only the Principal, can exclude a young person from school.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

"...the practice of removing a young person from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the young person."

We are committed to following all statutory suspensions and permanent exclusions procedures to ensure that every child receives an education in a safe and caring environment.

If the Principal decides to suspend or permanently exclude a young person;

- There will be consideration of all the relevant facts and evidence, including whether the incident(s) leading to the suspension or permanent exclusion were provoked.
- There will be sufficient recorded evidence to support the decision.
- The young person will be allowed to give their version of events
- The decision will be explained to the young person by a trusted adult.
- The parents/carers will have the reason explained to them by staff
- The child will be collected by taxi, parents /carers or taken home by staff.
- A letter will be sent to the Local Authority, Social Worker, Virtual school head, other relevant professionals and parents/carers confirming the reason for and length of the exclusion.
- In cases of more than a day's exclusion, ensure that appropriate work is set and that arrangements are in place for it to be marked.
- The re-integration meeting time will be decided between Senior Leaders and the parent/carer.

The Principal can cancel any suspension or permanent exclusion that has already begun, this should only be done where it is not yet been reviewed by the governing board.

4. Roles and responsibilities

4.1 The Principal

Informing parents

The Principal will provide the following information without delay, in writing, to the parents of an excluded young person:

- The reason(s) for the suspension or permanent exclusion
- The period of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the governing board and how the young person may be involved in this
- How any representation should be made
- Where there is a legal requirement for the governing board to consider the suspension or permanent exclusion, that parents or a young person if they are 18 years old have a right to attend the meeting, to be represented at their meeting (at their own expense) and to bring a friend.

Where a suspended or permanently excluded pupil is of compulsory school age the Principal must also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours.

These days are the first five school days of a suspension or permanent exclusion (or until the start date of any full-time alternative provision or the end of the suspension where this is earlier). Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted. The Principal must notify the parents of the days on which their duty applies without delay and, at the latest, by the end of the afternoon session on the first day of the suspension or permanent exclusion.

Informing the governing board and local authority

The Principal will immediately notify the governing board and the relevant local authority (LA) of:

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);
- any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
- any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test.

4.2 The governing body

The Governing body has a duty to:

- Consider parents representations about a suspension or permanent exclusion. The requirements on a governing board to consider the reinstatement of a suspended or permanently excluded pupil depends on a number of factors.
- The governing board must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the Principal if:
 - it is a permanent exclusion;
 - it is a suspension which would bring the pupil's total number of school days out of school to more than 15 in a term; or
 - it would result in the pupil missing a public examination or national curriculum test.
- The requirements are different for suspensions where a pupil would be suspended for more than five but less than 16 school days in a term. In this case, if the parents make representations, the governing board must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

The Governing Body can:

- Decline to reinstate the young person, or
- Direct the reinstatement of the young person immediately, or on a particular date

In reaching a decision, Governing Body will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to suspend or permanently exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the young person's educational record.

The Governing Body will notify, in writing, the Principal, parents and the Local Authority, the Social Worker and the Virtual School Head of its decision, along with reasons for its decision, without delay. Where the young person in a different local authority area from the one in which the school is located, the governing board must also inform the young person's home authority

5. Procedure for Appeal

If parents wish to appeal against the decision to permanently exclude, the matter will be referred to the governing body. Two governors, who were not involved in the initial decision to exclude, will acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within five days.

Records relating to the decision to exclude and the parents' complaint will be copied to all parties not later than two days prior to the hearing. In no circumstances, however, will the school or its staff be required to divulge to parents or others any confidential information on or the identities of young persons or others who have given information which has led to the exclusion or which the Principal has acquired during an investigation.

The parents may be accompanied to the hearing by one other person. This may be a relative, teacher, friend or a member of a professional support body such as SENDIASS. Legal representation will not normally be appropriate. If possible, the governors will resolve the parents' complaint without the need for further investigation.

Where further investigation is required, governors will decide how it should be carried out. After consideration of all the facts considered to be relevant, the governors will reach a decision on whether to uphold or rescind the exclusion or make other recommendations.

Parents will be informed in writing of the governors' decision and the reasons for it. Their decision will be final. The governors' findings and any recommendations will be sent in writing to the parents, Principal and governing body

Parents are entitled to appeal against a governing body's decision if it has upheld the Principal's decision to permanently exclude their child; even if they did not make a case to, or attend, the governors' meeting.

6. Returning from a Suspension

Following a fixed-term exclusion, a re-integration meeting will be held involving the young person, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a young person returns from a fixed-term exclusion:

Agreeing a behaviour contract

Putting a young person 'on report'

Phased reintegration into lessons and routines

7. Removal from the School for Other Reasons

The Principal may send a young person home, after consultation with the parents and a health professional as appropriate, if the young person poses an immediate and serious risk to the health and safety of other young persons and staff. This will not be classed as exclusion and should be for the shortest possible time.

8. Confidentiality

The exclusions process is confidential. Only staff members who need the information in order to do their jobs will have access to the information.

Exclusion records will be kept securely in the students file.

9. Monitoring arrangements

The Principal monitors the number of exclusions every term and reports back to the Governing Body.

The Governing Body will monitor and review the effectiveness of the exclusions Policy

This policy will be reviewed every three years by the senior leadership team.

The Governing Body will be responsible for approving this policy.

10. Links with other policies

This policy should be read in conjunction with:

- Promoting Positive Behaviour and Relationships Policy
- Privacy Policy