



“I am able to do all things through Him who strengthens me” Phillippians 4:13

## **Policy for Exclusion**

Reviewed February 2023

Agreed: Governors meeting – 2<sup>nd</sup> February 2023

Next review date: 2<sup>nd</sup> February 2026

## **Exclusion of Pupils – Legislation**

The principal legislation to which this guidance relates is:

- the Education Act 2002, as amended by the Education Act 2011;
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- the Education and Inspections Act 2006;
- the Education Act 1996; and
- the 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 should only be used in response to serious breaches of the school's discipline policy

### **Rationale**

#### **Our vision**

Using our *Christian values as the golden thread in all we do, we believe that children have the right to Learn, Enjoy, Grow, developing spiritually and having awe-inspiring learning experiences. Our children learn within a culture of acceptance, build resilience and flourish in unique ways in God and his world.*

This policy, is underpinned by the shared commitment of all members of the School communities to achieve two important aims:

- 1) The first is to ensure the safety and well-being of all members of the School communities, 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.

This policy has been written with reference to the DFE guidance "Exclusion from maintained schools, academies and pupil referral units in England; Statutory Guidance for those with legal responsibilities in relation to exclusion" 2022. For further information please follow this link

<https://www.gov.uk/government/publications/school-exclusion>. This policy should be read in conjunction with that guidance and used for referenced should further clarity be required particularly around roles and responsibilities.

### **Terminology**

Use of the term suspend is a reference to what is described in the legislation as an exclusion for a fixed period.

## **Introduction**

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

- (a) In response to a serious breach of the Behaviour 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.

Exclusion is an extreme sanction and is only administered by the Headteacher. This may be delegated to the Deputy if the Headteacher is off site.

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

Serious verbal abuse to Staff and others

- .. Serious 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
- .. Theft
- .. Serious actual or threatened violence against another student or a member of staff.
- .. Sexual abuse or assault.
- .. Supplying an illegal drug.
- .. Carrying an offensive weapon.
- .. Arson.
- .. Unacceptable behaviour which has previously been reported and for which School sanctions and other interventions have not been successful in modifying the children's behaviour.

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

## **Exclusion Procedure- Suspension**

Most exclusions are of a fixed term nature (suspension) and of short duration (usually between one and three days). The DFE regulations allow the Head teacher to suspend a student one or more times not exceeding 45 days in any one school year.

A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of a headteacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e., that it is: lawful (with respect to the legislation

relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.

When headteachers suspend or permanently exclude a pupil they must, without delay, notify parents. Legislative changes mean that if a pupil has a social worker, or if a pupil is looked-after, the headteacher must now, also without delay after their decision, notify the social worker and/or VSH, as applicable.

When headteachers suspend or permanently exclude a pupil, they must also notify the local authority, without delay. Legislative changes mean that this must be done regardless of the length of a suspension.

Headteachers may cancel an exclusion that has not been reviewed by the governing board. This practice is sometimes known as withdrawing/rescinding a suspension or permanent exclusion. If this occurs, parents, the governing board and the local authority should be notified, and if relevant, the social worker and VSH.

The Governing Body need to established arrangements to review fixed term exclusions which would lead to a pupil being suspended for more than five days but not more than 15 days in a term or where a parent has expressed a wish to make representations.

Whenever a pupil is excluded, the School will notify parents of the period of the exclusion and the reasons for it as soon as is immediately practical. In addition, the school will provide parents with the following information in writing:

- The reason(s) for the exclusion or suspension;
- The period of a fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent;
- Parents' right to make representations about the exclusion to the Governors (in line with the requirements set out in paragraphs 52 to 60) and how the pupil may be involved in this;
- How any representations should be made; and
- Where there is a legal requirement for the Governors to consider the exclusion, the parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

It is important that during a suspension, pupils still receive their education. Headteachers should take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This can include utilising any online pathways such as Google Classroom or Oak National Academy. 15 The school's legal duties to pupils with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period.

It is recognised practice to have a re-admission meeting with the parents/carers and where it is deemed necessary; a Pastoral Support Plan

will be drawn up. During the course of a fixed term exclusion the student is not allowed on the School premises and their daytime supervision is the sole responsibility of parents/carers. The School will provide work for the student to complete at home during this time. This should be collected by arrangement with the parent/carer or their designated representative.

In the following circumstances the Head teacher must inform, without delay, the Governors and the Local Authority immediately:

- A permanent exclusion or suspension;
- Exclusions which would result in the pupil being excluded for more than five days (or more than ten lunchtimes) in a term; and
- Exclusions which would result in the pupil missing public examinations or national curriculum tests.

This notification must include reasons and duration of any fixed term exclusion.

For all other exclusions the School's leadership must notify the Governors and the Local Authority once a term.

The school will ensure the standard letter is completed for the parents and that a copy is sent to the inclusions officer at KCC (Appendix 2). The school must also complete the exclusion notification form on KELSI via the digital front door.

<https://kentcc.firmstep.com/default.aspx/RenderForm/?F.Name=N2HLaYFp4cP&HideAll=1>

### **Permanent Exclusion**

The decision to exclude a child 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:

- .. Serious actual or threatened violence against another student or a member of staff.
- .. Sexual abuse or assault.
- .. Supplying an illegal drug.

- .. Carrying an offensive weapon \*
- . Arson.

The School 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.”

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.

General factors the School considers before making a decision to exclude

- Exclusion 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 Head will:

- Ensure appropriate investigations have been carried out.
- Consider all the evidence available to support the allegations taking into account the Behaviour, Equal Opportunity and Race Equality Policies.
- Allow the child to give her/his version of events.
- Check whether the incident may have been provoked.

If the Head is satisfied that on the balance of probabilities the child did what he or she is alleged to have done, exclusion will be the outcome.

### **Exercise of discretion**

In reaching a decision, the Head 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 Head will consider

- a) the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Behaviour policy
- b) the effect that the child 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, whether there is an intention to use it or not, it is

the Schools 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 Governors' Pupil Discipline Committee, when it meets to consider the Headteacher's decision to exclude. This Committee will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the child's School record, witness statements and the strategies used by the School to support the child prior to exclusion.

### **Alternatives to Exclusion**

Alternative strategies to exclusion are included in the Behaviour Policy. The School works closely with other schools to undertake managed moves where such a course of action would be of benefit both to the student and the two schools concerned. However, the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

### **Lunchtime Exclusion**

A fixed-period exclusion or suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be excluded from the school premises for the duration of the lunchtime period. The legal requirements relating to exclusion, such as the head teacher's duty to notify parents, apply in all cases. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing board meeting is triggered.

### **Behaviour Outside School**

Childrens' behaviour outside School on school "business" for example school trips and journeys, away school sports fixtures is subject to the Behaviour Policy. Negative behaviour in these circumstances will be dealt with as if it had taken place in 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 pupil body as a whole. If child's behaviour in the immediate vicinity of the School or on a journey to and from school is poor and meets the School criteria for exclusion then the Head may decide to exclude.

### **Drug Related Exclusions**

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

### **Challenging an Exclusion**

Parents have the right to ask the Governors to consider their representations about an exclusion. This will depend on the length and nature of the

exclusion. The Governors will consider the reinstatement of an excluded child within 15 school days of receiving the notice of exclusion if:

- The exclusion is permanent
- It is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in term; or
- The exclusion means the child will miss a public exam or national curriculum test
- Where the exclusion means that a child will miss a national curriculum test there is a further requirement for a governing body to consider exclusion before the date of the test

### **Duty of the Local Governing Body to Consider Exclusion**

For Teynham Parochial CEP School, the duty to consider the circumstances surrounding a decision to exclude, if requested to do so by the parent's, is delegated to the Chair of Governors.

On receipt of a parent's request the Chair of Governors should form a Disciplinary Panel consisting of at least three Governors within fifteen days.

Once three members have been sourced and the date for the meeting has been arranged, if any exceptional circumstances arise on the day which mean a member is unable to attend, the chair of the Disciplinary Panel will seek representations from all parties as to whether or not the meeting should proceed.

The Disciplinary Panel, will consider the parents' representations, the Head Teacher's representations and those of the Local Authority Exclusion Officer. Those invited to this meeting will normally only include parents, the Head teacher and the Local Authority Exclusion Officer. The Clerk to the Governing Body will make every effort to arrange this meeting for a date and time convenient to all parties.

Where there is a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the Disciplinary Panel must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange any subsequent meetings with parents.

The Disciplinary Panel will:

- Only discuss the exclusion with the parties present at the meeting.
- Ask for any evidence to be submitted in writing, six school days prior to the meeting. Any evidence submitted after this date will be considered at the discretion of the Chair of the Disciplinary Panel.
- Circulate any written evidence and information to all parties, no less than five school days prior to the meeting.
- Allow pupils and parents/carers to be accompanied by a person of their choice at the meeting.



- Consider what reasonable adjustments need to be made to support the attendance and contribution of all parties at the meeting.
- Identify the steps needed to enable and encourage the excluded pupil to attend the meeting and speak on his/her behalf, or how he/she may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the excluded pupil, including whether the punishment is proportionate to the offence, whether there is a strong likelihood of recurrence and whether other pupils involved received the same punishment.
- Only discuss and consider the exact reason for exclusion at the meeting. Any other matters, will need to be referred to and considered under other established school policies and procedures, e.g. the school's Complaints Policy.

Disciplinary Panel will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

In order to reach a decision, the Disciplinary Panel will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- Consider whether the exclusion of the pupil was lawful, proportionate and fair, taking into account the head teacher's legal duties.
- Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.
- Make a note of their findings, where they have considered an exclusion but cannot reinstate the pupil.

In the event of exceptional circumstances which prohibit a member of the Disciplinary panel

Notification of considered exclusions The Governors will notify the parents/carers of the excluded pupil, the Head teacher and the Local Authority of their decision following the consideration of an exclusion, in writing and within 24 hours.

If the Disciplinary Panel decide to uphold the decision for permanent exclusion, they will notify the parents/carers:

- 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 pupil's SEN are considered relevant to the exclusion.