



# Exclusions Policy

Date: May 2021

Review date: May 2022

Approved by the Advisory Board: May 2021

Linked with other policies:

- Behaviour
- Equality Statement

Signed:

A handwritten signature in blue ink, which appears to read 'S. Dagg'.

## Version Control

Version	Date of review/change(s)	Page and paragraphs affected	Summary of update
1	May 2021	Page 4 paragraph 2	Addition of paragraph 2

## **PHILOSOPHY**

It is recognised that both fixed-term and permanent exclusions or ceasing of the placement for students with an EHCP will only be used in extreme circumstances and only when other strategies have been exhausted. The safety of students and staff will be paramount when making any decision to exclude or cease the placement (see the school's policy for behaviour management which focuses on the positive management of student behaviour, but also includes examples of where exclusion may be used as sanction for serious concerns).

## **AIMS**

- To support the school's behaviour policy
- To promote self-management of behaviour
- To encourage students to take responsibility for their own actions, to feel safe and adopt safe practices
- To work in partnership with parents and other agencies to support management of student behaviour and wellbeing.

## **STRATEGIES**

The decision to exclude lies with the Headteacher and notifiable to the Directors. Decisions are reached using guidance contained in government guidance and the Department for Education guide 'Exclusion from maintained schools, Academies and student referral units in England.' These documents do not apply to Independent schools but their information provides useful guidance. At All Saints School, we also refer to documentation from Norfolk County Council.

## **EXCLUSIONS**

There are two types of exclusion - a fixed period (suspended) and permanent exclusion (excluded).

### Fixed period:

A fixed period exclusion is where a student is temporarily removed from school. They can only be removed for up to a period of 45 school days in one school year. This does not have to be a continuous period. Ofsted inspection evidence suggests that 1-3 days is often long enough to secure the benefits of exclusion without adverse educational consequences.

When a student is excluded for a fixed period, the school will set and mark work for the first five school days in at least the three core subjects of the National Curriculum.

If the exclusion is longer than five school days, the school will arrange suitable full time education for the student from the 6<sup>th</sup> school day.

### Permanent exclusion/ Ceasing of Placement:

This means that the student has been expelled. Norfolk County Council will be informed. The Local Authority must arrange suitable full time education from the 6<sup>th</sup> school day from the day of exclusion. In addition, where a student has a Statement of Special Educational Needs or Education Health Care Plan the Local Authority must ensure that an appropriate full-time placement is identified in consultation with the parents.

In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion or for a student with an EHCP the placement will be ceased.

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

“...the practice of removing a pupil 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 pupil.”

A decision to exclude a student **permanently** or to **cease the placement** should only be taken:

“in response to a serious breach, or persistent breaches, of the school's behaviour policy; and where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school”.

A decision to exclude a child permanently or to the cease the placement is a serious one. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies, which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort.

There are, however, exceptional circumstances where, in the Headteacher's judgement, it is appropriate to permanently exclude a child 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.

If a criminal offence has taken place, the school will inform parents or carers that the police will be informed. Where relevant, other agencies will also be informed.

When reaching the decision to exclude a child, the Headteacher must apply the civil standard of proof, i.e. 'on the balance of probabilities' which means it is more likely than not that a fact is true.

Under the Equality Act 2010 schools must not discriminate against, harass or victimise students because of their:

- sex
- race
- disability
- religion or belief
- sexual orientation
- because of a pregnancy / maternity; or
- because of a gender reassignment.

For disabled children, this includes a duty to make reasonable adjustments to policies and practices.

A student will only be excluded on disciplinary grounds. The decision to exclude must be:-

- lawful
- rational
- reasonable
- fair
- proportionate.

It is unlawful to exclude or to increase the severity of an exclusion for a non-disciplinary reason. For example, it would be unlawful to exclude a student simply because they have additional needs or a disability that the school feels it is unable to meet. It would also be unlawful to exclude for a reason such as:

- academic attainment / ability
- lateness or truancy
- pregnancy
- the action of a student's parents
- the failure of a student to meet specific conditions.

### **Factors to consider before making a decision to exclude**

Exclusion will not be imposed in the heat of the moment, 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 that an appropriate investigation is carried out.
- Consider all the evidence available to support the allegations, taking into account the school's Behaviour and Equal Opportunities policies.
- The student will be allowed to give his/her version of events.
- Check whether there are contributing factors, (for example, whether the incident may have been provoked, by bullying or by racial or sexual harassment, or whether the student has suffered bereavement or has mental health issues.

### **Can a child be informally excluded?**

A student cannot be informally excluded. Where a student is sent off the school premises, (for example, where a child is sent home for a 'cooling off' period), it must be recorded officially as an exclusion. If a parent/carer believes that their child has been unlawfully excluded, they should as a first course of action pursue an internal complaint within the school.

### **Children with Special Educational Needs (SEN) and Looked After Children**

There are certain groups of students with additional needs who are particularly vulnerable to the impacts of exclusion. This includes students with Statements of Special Educational Needs (SEN) or an Education Health Care Plan (EHCP) and looked after children.

The Headteacher should, as far as possible, avoid excluding permanently any student with a statement of SEN, EHCP or a Looked After Child. Schools should engage proactively with parents and carers in supporting the behaviour of students with additional needs. In relation to looked after children, the school should co-operate proactively with foster carers or children's home workers and the local authority that looks after the child. Where the school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a student with a statement of SEN, an EHCP or a looked after child it should, in partnership with others (including the local authority as

necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of support for a student's SEN. Where a student has a statement of SEN or EHCP, schools should consider requesting an early annual review or interim / emergency review. The EHCP co-ordinator will be contacted and will be involved in the meeting.

### **What is the procedure for excluding a student?**

When the Headteacher decides to exclude a student, the parent /s or carer/s will be notified immediately, usually by telephone, followed by a letter without delay. The letter must state:

- If the exclusion is permanent;
- If the exclusion is fixed-term, the precise period of the exclusion;
- The reasons for the exclusion;
- The parent's right to make representations to the School Directors, and how the student can be involved in this;
- Who to contact about making such representations;
- The right on written request to see copies of a child's school record;
- The arrangements made by the school for the student to continue their education during the first five days of the exclusion, including setting and marking of work. It is the parents' responsibility to ensure that work sent home is completed by the student and returned to school;
- The school days (or school day from) which the student will be provided with alternative suitable education.
- Parents and their child will be invited to attend a re-integration interview with the Headteacher before the child comes back into school.

### **What are the obligations of parents during a period of exclusion?**

During the first five days of a period of exclusion (whether fixed-term or permanent), the parents of an excluded student, who is of compulsory school age, must make sure that he or she is not present in a public place during school hours, unless there is a reasonable justification. Failing to ensure this is an offence, and parents may be given a fixed fine of £60 by the Local Authority.

A parenting contract may be offered if necessary. A parenting contract is an agreement between the school and parents that they will both support the child in improving their behaviour.

### **Student reintegration after-fixed term exclusion**

Before a student can be reintegrated into school they are invited, with their parents/carers, to attend an interview with the Headteacher. This is to ensure that all concerned understand the seriousness of the situation, and that a positive behaviour plan is developed to encourage progress in the future.

The student will be presented with a Behaviour Contract which they and their parents/carers will be asked to sign.

The student may also be put on report for two weeks. Teachers will sign the report after each lesson. It will be seen by the Headteacher at the end of each day and it must be signed by the parents/or carers.