



## **Exclusions Policy**

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<b>Status</b>	Current Policy
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<b>Agreed by FGB</b>	<b>March 2022</b>
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<b>Review Cycle</b>	Every 2 years
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<b>Next Review</b>	March 2024
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<b>Lead Staff</b>	Headteacher
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<b>Headteacher</b>	Paula Miller
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<b>Chair of Governing Body</b>	Diarmuid Molloy
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## *Mission Statement*

We accept all pupils **as they are** and believe that every one of them is **entitled** to the very **best education**, delivered in an **environment** that is **supportive, caring** and **safe**.

Our goal is to develop our pupils to become:

- **Successful** Learners.
- As **independent** as possible.
- **Confident** individuals and self-advocates.
- **Effective** communicators and **contributors**.
- **Responsible** citizens.

We will do this by working to **ensure we get every aspect of their provision just right**, helping them to achieve academically, personally, socially and morally.

## *Rights Respecting Schools*

The Unicef UK Rights Respecting School Award (RRSA) is based on principles of equality, dignity, respect, non-discrimination and participation. The RRSA seeks to put the UN Convention on the Rights of the Child at the heart of a school's ethos and culture to improve well-being and develop every child's talents and abilities to their full potential. A Rights Respecting School is a community where children's rights are learned, taught, practised, respected, protected and promoted.

Stone Bay has achieved the Bronze Award and is recognised as a Rights Committed School

This policy is written with reference to

**Article 3** (best interests of the child) The best interests of the child must be a top priority in all decisions and actions that affect children

**Article 5** (parental guidance and a child's evolving capacities) Governments must respect the rights and responsibilities of parents and carers to provide guidance and direction to their child as they grow up, so that they fully enjoy their rights. This must be done in a way that recognises the child's increasing capacity to make their own choices.

**Article 12** (respect for the views of the child) Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child's day-to-day home life.

**Article 23** Children who have any kind of disability should receive special care and support so that they can live a full and independent life

**Article 28** (right to education) Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights.

## ***Introduction***

A decision to exclude a pupil, either for a fixed period or permanently, is seen as a last resort by the school while always bearing in mind our duty of care to pupils and staff.

A range of policies and procedures are in place to promote good behaviour and appropriate conduct:

- Positive Behaviour Policy
- Staff Behaviour Policy (Staff Code of Conduct)
- Attendance Policy
- Complaints Policy and Procedure
- Special Educational Needs and Disability Policy

Where reasonable adjustments have been made to accommodate a pupil's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified, if there is a material and substantial reason for it. A specific incident affecting order and discipline in the school may be such a reason.

No exclusion will be initiated without having first exhausted other strategies or, in the case of a serious single incident, a thorough investigation.

Stone Bay School will do our utmost to avoid exclusions. They take place only for the most serious incidents that lead us to conclude that our school is not able to meet the learner's needs or there is a serious risk of harm that cannot be managed in our environment.

## ***The law states***

Only the Headteacher/Principal (or acting 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.

Any decision of a school, including 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 exclusions and a school's wider legal duties, including the European Convention of Human Rights); rational; reasonable; fair; and proportionate.

Headteachers must take account of their legal duty of care when sending a pupil home following an exclusion.

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'.

Under the Equality Act 2010 ("the Equality Act") schools must not discriminate against, harass or victimise pupils 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.

In carrying out their functions under the Equality Act, the public sector equality duty means schools must also have due regard to the need to: eliminate discrimination and other conduct that is prohibited by the Equality Act; advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it.

These duties need to be taken into account when deciding whether to exclude a pupil. Schools must also ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion.

Headteachers/Principals 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.

The school will use exclusion as its final sanction in ensuring the safety, welfare and progress of all members of the school community. It will normally be used only after a range of support has failed to achieve the desired change in behaviour and attitude.

A serious offence could by itself justify a pupil's exclusion. This may include an aspect of the following:

- Violence towards an adult or child
- Frequent high-level disruption in classrooms
- Damage to property
- Dangerous, to self and others, behaviour

A decision to permanently exclude a pupil will only be taken:

- In response to a serious breach, or persistent breaches of the school's behaviour policy.
- Where allowing the pupil to remain in school would seriously harm the safety and welfare of the pupils or others in school.

When it is necessary to exclude a pupil, parents, the Local Authority and, where relevant, Social Worker, will be contacted immediately and notified in writing of the following:

- the reasons for the exclusion;
- 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 governing body and how the pupil may be involved in this;
- how any representations should be made; and where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.

Where an excluded pupil is of compulsory school age the Headteacher/Principal must also notify parents that for the first five school days of an exclusion (or until the start date of any alternative provision where this is earlier) parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.

If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale:

The start date for any provision of full-time education that has been arranged for the pupil during the exclusion;

The start and finish times of any such provision, including the times for morning and afternoon sessions where relevant;

The address at which the provision will take place; and any information required by the pupil to identify the person he / she should report to on the first day.

The Headteacher will also notify the governing body and the local authority of: a permanent exclusion (including where a fixed period exclusion is made permanent);

Exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term; and Exclusions which would result in the pupil missing a public examination or national curriculum test.

For a fixed period exclusion of more than five school days, the governing body must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth day of the exclusion.

Where it is not possible, or appropriate, for the school to arrange alternative provision during the first five school days of an exclusion, reasonable steps to set and mark work for pupils will be taken. Work that is provided will be accessible and achievable by pupils outside of school.

For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion.

### ***Pupils with Special Educational Needs***

All pupils who attend Stone Bay School have an Education, Health and Care Plan. Schools have a legal duty under the Equality Act 2010, not to discriminate against disabled pupils by excluding them from school because of their disability. The Disability Rights Commission has published a Code of Practice, which explains and illustrates the school's duties to disabled pupils, including in relation to exclusions.

### ***Supporting Pupils' Wellbeing and Behaviour***

Our behaviour strategies are comprehensive and our approach to behaviour is detailed in the school's Positive Behaviour Policy

Individual Pupil Wellbeing Support Plans are used to help pupils and support them to be successful in the school environment. They include strategies for managing the environment, the class or group, the activities which give rise to the inappropriate behaviours;

The school will also take action to prevent exclusion by looking at staffing, training staff in specific approaches, meeting with parents and if appropriate will initiate an additional Pastoral Support Plans (PSP) where necessary.

A Pastoral Support Programme (PSP) is a school-based intervention that is designed to support young people who are at risk of permanent exclusion, or who are at risk of becoming disaffected through repeated fixed-term exclusion. It is part of a continuum of provision for pupils who are experiencing behaviour, emotional or social difficulties.

The PSP is designed to bring together views and solutions from a variety of perspectives. It is a multi-agency meeting with a focus on the needs of the pupil. It includes the views of parents or carers, the pupil, the school and other services involved with the pupil. The PSP is an outcome driven plan with targets set for the pupil, the school, the family and other agencies involved in supporting change.

A PSP:

- is school based
- is time-limited
- has smart targets with practical strategies
- is overseen by a school leader e.g. Headteacher or Deputy Headteacher
- follows a standard format so involves minimum administration
- includes the views of the young person and their family

The reviewing process takes place every three to four weeks and targets are amended and developed in response to pupil progress.

### ***Fixed Term Exclusion***

A fixed term exclusion will be used for the shortest time necessary to secure benefits without adverse educational consequences. The school is empowered to operate a fixed-term exclusion for a period of up to 45 days in any one school year. Where exclusions exceed 1 day then work will be provided for the child to complete at home.

Although the law allows for a Headteacher to exclude a pupil for up to 45 days in a school year, exclusions should be for the shortest time necessary.

Where it is clear that fixed-term exclusions are not being effective in deterring poor behaviour, for example if they are being repeatedly imposed on a pupil in response to the same behaviour, the school will consider alternative strategies for addressing that behaviour.

### **Days 1 to 5**

The school will ensure that parents are fully informed of their duties in the first five days of exclusion.

During the initial period of up to five school days, the parents of the excluded pupil must ensure that he or she is not present in a public place during normal school hours without reasonable justification.

The school will ensure that work is set for the pupil to complete during the first five school days of exclusion and that it is marked, unless during that time the pupil will be attending alternative provision

### **Day 6**

Where a pupil is given a fixed-term exclusion of six school days or longer, the school has a duty to arrange suitable full-time educational provision from and including the sixth school day of the exclusion.

## ***Permanent Exclusion***

Permanent exclusion will only be used as a final step when a wide range of other strategies have been tried and failed. It is an acknowledgement by the school that, if a permanent exclusion were being considered, it has exhausted all available strategies for dealing with the pupil.

There may be 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 pupil or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon.

The school will consider whether or not to inform the police where such a criminal offence has taken place. These instances are not exhaustive but indicate the severity of such offences and the fact that behaviour can affect the discipline and wellbeing of the school community.

The Local Authority will be informed of the exclusion within one school day via Digital Front Door (DfD) on KELSI. If the pupil lives outside the LA in which the school is located, the Headteacher will also advise the 'home' Local Authority of the exclusion so that they can make arrangements for the pupil's full time education from the 6th school day of the exclusion.

### **Days 1 to 5**

The school must ensure that the parent is fully informed of their duties in the first five days of exclusion.

During the first five school days, the school will send work home for the pupil to complete.

Parents must ensure that the pupil is not present in a public place during school hours without reasonable justification. Parents can be prosecuted, or given a fixed penalty notice if they fail to do this. The pupil may also be removed from the public place by the police and taken to designated premises.

If the LA is advised that a parent has failed to comply with supervision requirements during the first 5 school days of a permanent exclusion, the School Attendance Service will take further action if, after enquiries / evidence gathering, the relevant officer decides that there are sufficient grounds on which to proceed.

### **Day 6**

The Local Authority is statutorily responsible for ensuring that full-time provision is made for all permanently excluded Kent resident pupils from the 6th school day of the exclusion. The Local Authority is not responsible for providing provision for pupils who are above statutory school age (pupils in Year 12 and above)

### **Notifying Parents of an Exclusion**

Whenever a pupil is excluded, the Headteacher will notify the parent without delay, ideally by telephone followed up by a letter.

All exclusion cases will be treated in the strictest confidence, only those who need to know the details will be informed of them.

### **Informing the Governing Body and Local Authority**

The Headteacher will immediately notify the Governing Body via the Chair of Governors, and the Local Authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent.
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term.
- Exclusions which would result in the pupil missing a public examination.

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

### **Reintegration meeting**

Following a return from an exclusion, it is considered good practice that schools meet with parents and the young person to discuss the issues and reasons for the exclusion and agree a way forward. The purpose of the reintegration meeting is to support the pupil's reintegration and promote the



improvement of his or her behaviour. The pupil should normally attend all or part of the meeting with at least one of his/her parents.

A fixed-term exclusion must not be extended if such a meeting cannot be arranged in time or the parents do not attend.

### **Procedure for Appeal**

The Governing Body is responsible for reviewing the Headteacher's decision to exclude a pupil permanently or for a long fixed-term and deciding whether to direct re-instatement, where that is a practical option. The Governing Body is also responsible for considering any representations made by the parents of excluded pupils following shorter fixed-term exclusions.

When they receive notification of a permanent exclusion or any exclusion totalling over 15 days in a term, a panel of Governors will meet to hear representations. .

The Clerk is required to set up the meeting within the prescribed timescales. Governors must invite the parents, head teacher and an LA Officer to the meeting at a time and place convenient to all parties

The LA asks that the Inclusion and Attendance Team is contacted via DfD on KELSI within one school day of a decision to permanently or long fixed-term exclude a pupil, so that possible times for the meeting can be identified and kept free.

All papers relating to the case should be circulated at least five working days before the meeting to allow all parties the opportunity to acquaint themselves with the particulars of the case and give it their full consideration.

The parents may be accompanied to the hearing by one other person. This may be a relative, teacher, friend or Parent Support Advisor. Legal representation will not normally be appropriate.

The Clerk must take detailed minutes of the Governor's Review Meeting (GRM) and must remain with the Governors and minute the decision-making process. The minutes must be made available to all parties on request and should form part of the school's paperwork if the parent requests a review of the decision.

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. This decision will be made within ten days of the hearing.

A Local Authority representative will be invited to, and will endeavour to attend, review meetings for all permanent exclusions. The Local Authority representative advises the Governors on the LA's view of the appropriateness of the exclusion, in particular relating to the guidance as set out by the DfE and to the local practices and support available. They will remind Governors of areas to consider during their deliberations. The Governors can ask the LA representative for specific technical advice, but they must make their decision alone.

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, Headteacher and Governing Body.

Parents are entitled to appeal against a Governing Body's decision if it has upheld the Headteacher's decision to permanently exclude their child; even if they did not make a case to, or attend, the Governors' meeting. Details of how to do this and relevant timescales will be included in the Governors' letter to parents following the Governors Review Meeting.

**This Policy should also be read in conjunction with the document Kent Exclusion Guidance for Schools and Governors**

[https://www.kelsi.org.uk/\\_data/assets/pdf\\_file/0020/62165/Kent-LA-exclusion-guidance-for-schools-and-governors.pdf](https://www.kelsi.org.uk/_data/assets/pdf_file/0020/62165/Kent-LA-exclusion-guidance-for-schools-and-governors.pdf)

**Exclusion from maintained schools, academies and pupil referral units in England**

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