

# CIRENCESTER KINGSHILL SCHOOL

## EXCLUSION OF PUPILS POLICY

### RATIONALE

This policy is an appendix to the school's Behaviour Policy and should also be read in conjunction with the school's Anti-Bullying, Offensive Weapons, School Discipline and Behaviour and Child Protection Policies. It follows the guidance given in the DfE September 2017 document 'Exclusion from Maintained Schools, Academies and Pupil Referral Units in England' and the 'Guide and Information for Headteachers in Gloucestershire', updated in January 2018. It is underpinned by the school's commitment to:

- 1) Ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed;
- 2) Only use exclusion where absolutely necessary - see below.

### THE DECISION TO EXCLUDE

- The decision to exclude a pupil will be taken in the following circumstances:
  - a) In response to a serious breach of the school's behaviour code of conduct;
  - b) For persistent defiance and/or disruption;
  - c) If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
  - d) A pupil to be found in possession of an illegal drug on the school site is likely to be excluded for 15 days (Please see Substance Misuse Policy)
- The behaviour of pupils outside school can be considered as grounds for exclusion. This will be a matter of judgment for the Headteacher in accordance with the school's published behaviour policy.
- Individual fixed period exclusions will be for the shortest time necessary (usually 1-3 school days), but also take into account any previous exclusions, particularly for similar offences. Regulations allow Headteachers/teachers in charge to exclude a pupil for one or more fixed periods which, when aggregated, do not exceed a total of 45 school days in any one school year.
- Where a pupil has already received several short term exclusions (1-3 school days), the school is likely to then give a 5 school days exclusion for a further excludable offence, followed by a further 5 school day exclusions with time spent in our Alternative Provision Area and subsequently a 15 school days exclusion if serious problems persist. The next exclusion after this would be likely to be permanent. A governor's disciplinary meeting will be convened following a 15 school days exclusion or if a series of exclusions would take the pupils' total days exclusion for a term above 15 school days.
- In the exceptional circumstances, where a pupil with no previous exclusions behaves in a way where a short term (1-3 day) exclusion would be an insufficient consequence, the Headteacher has the right to issue a long term (5-10 day) exclusion.
- Only the Headteacher, (or, in the absence of the Headteacher, the acting Headteacher) can exclude a pupil. Other exclusion-related activities do not have to

be undertaken by the Headteacher personally, but may be delegated.

- The decision to exclude will have due regard for the provisions within the Equality Act 2010.

## **FACTORS TO CONSIDER WHEN MAKING A DECISION TO EXCLUDE**

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Headteacher/teacher in charge will:

- ensure that a thorough investigation has been carried out;
- allow and encourage the pupil to give their version of events;
- check whether the incident may have been provoked, for example by bullying, or by racial or sexual harassment;
- keep a written record of the actions taken (and copies of written records made by other members of staff), including any interview with the pupil concerned. Witness statements must be dated and should be signed, wherever possible.

## **THE EXCLUSION OF PUPILS WITH STATEMENTS OF SEN AND LOOKED AFTER CHILDREN:**

- The Headteacher will, as far as possible, avoid excluding permanently any pupil with an Education, Health and Care Plan (EHC Plan), any pupil identified as SEND or a looked after child.
- The School will engage proactively with parents/carers in supporting the behaviour of pupils with additional needs. In relation to looked after children, the school will cooperate 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 pupil with a EHC Plan or identified as SEND, or a looked after child, it will, in partnership with others, (including the local authority as necessary) consider what additional support or alternative placement might be required. This will involve assessing the suitability of provision for a pupil's SEND. Where a pupil has an EHC Plan or identified as SEN, the school will consider requesting an early annual review or interim/emergency review.

## **STANDARD OF PROOF**

The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the pupil did what he or she is alleged to have done, the Headteacher/teacher in charge may exclude the pupil. However, the more serious the allegation and thus the possible sanction, the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring the criminal standard of 'beyond reasonable doubt' to be applied. But it does mean that when investigating more serious allegations, in determining whether it is more probable than not that the pupil has behaved as alleged, Headteachers/teachers in charge will need to gather and take account of a wider range of evidence. In some cases this may extend to evidence of the pupil's past behaviour, if relevant to the seriousness of the present allegation.

## **PROCEDURES FOLLOWING A FIXED PERIOD EXCLUSION:**

- Whenever a pupil is excluded (permanently or for a fixed period), the parent/carer will be notified on the same day, ideally by telephone followed up by a letter including information specified in Section 51 A Education Act 2002.
- During periods of exclusion exceeding one day, the school will set work for the pupil to complete and arrange for it to be marked;
- Where a pupil is given a fixed period exclusion of a duration of six school days or longer, the school will arrange suitable full-time educational provision from and including the sixth school day of the exclusion. Details of this provision will be provided by the school.
- The school will arrange a Return to School interview with parents/carers and the pupil during or following the expiry of any fixed period exclusion;
- For exclusions of 6 school days or more, the interview must be held during the period beginning with the first school day to which the exclusion relates and ending with the fifteenth school day following the day on which the pupil returns to school.
- If a Return to School meeting has not been held by the end of the period of exclusion, the pupil will be expected to attend school and work in the Student Support Room until such a time as the meeting has taken place;
- The pupil and parents will be asked to re-sign the Home School Agreement as part of the Return to School interview.
- When parents/carers are telephoned (and in the subsequent letter), they will be informed that, during the initial period of up to five school days of any exclusion, whether fixed period or permanent, the parents/carers of the excluded pupil must ensure that he or she is not present in a public place during normal school hours without reasonable justification. This requirement applies whether or not the pupil is in the company of the parents/carers.
- Following a fixed period exclusion, a pupil will automatically be placed on an Individual Behaviour Plan or a Pastoral Support Plan to ensure that appropriate support is in place. This could involve assessments for SEND, mental health or family problems or seeking advice from relevant external agencies.

## **PERMANENT EXCLUSION**

- A decision to exclude a child permanently is a serious one and will only be taken where the basic facts have been clearly established on the balance of probabilities. 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 will normally be used as a last resort.
- There will, however, be exceptional circumstances where it is appropriate to permanently exclude a child for a first or 'one off offence'. These might include:
  - a) serious actual or threatened violence against another pupil or a member of staff; including bringing an offensive weapon on to the school site.
  - b) sexual abuse or assault;
  - c) if any pupil distributed, shared or sold drugs in a school context.

## **PROCEDURES FOLLOWING PERMANENT EXCLUSION**

- The Headteacher will, without delay, notify the governing body and the local authority of a permanent exclusion. If the pupil lives outside the local authority in which the school is located, the home authority will also be notified.
- In the case of a permanent exclusion the pupil remains on the roll of the school until any appeal is determined; until the time limit for the parents/carers to lodge an appeal has expired without an appeal being brought; or the parents/carers have informed the LA in writing that no appeal is to be brought;
- During the first five school days of a permanent exclusion the school will send work home for the pupil to complete;
- During these initial five school days of exclusion parents/carers must ensure that their child is not present in a public place during school hours without reasonable justification;
- From the sixth school day of a permanent exclusion, the LA is statutorily responsible for ensuring that suitable full-time education is provided to pupils of compulsory school age.
- Appeals against a permanent exclusion must be lodged by 15 school days after the day on which notice in writing was given of the governing body's decision not to reinstate the permanently excluded pupil.

## **GOVERNING BODY'S ROLE IN REVIEWING EXCLUSIONS**

- The requirements on the governing body to consider an exclusion depend upon a number of factors. In considering any exclusions, the school will follow entirely the procedural guidance given in the 2017 DfE document, 'Exclusions from Maintained Schools, Academies and Pupil Referral Units in England' and 'Guide and Information for Headteachers in Gloucestershire' January 2018.

## **THE SCHOOL'S DUTY TO ARRANGE AN INDEPENDENT REVIEW PANEL**

- Where parents/carers dispute the decision of the governing body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. In such a case, the school will follow entirely the guidance given in the 2017 DfE document, 'Exclusion from Maintained Schools, Academies and Pupil Referral Units in England'.

***If appropriate: you may want to read the following policies in conjunction with this policy. The Accessibility Plan, Anti-bullying Policy, School Discipline and Behaviour Policy, Child Protection Policy, Looked After Children Policy, Equality Policy, E-safety Policy, Offensive Weapons Policy and the Substance Misuse Policy.***

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Reviewed by D Christopher January 2021 (Date)

Adopted by Governors \_\_\_\_\_ (Sign) \_\_\_\_\_ (Date)

Review date January 2022

## Annex to the Exclusions Policy during COVID-19

This annex follows the guidance as prescribed in the statutory guidance Changes to the School Exclusion Process during the Coronavirus (COVID-19) outbreak updated on 5<sup>th</sup> October 2020 ([Changes to the school exclusion process during the coronavirus \(COVID-19\) outbreak - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/changes-to-the-school-exclusion-process-during-the-coronavirus-covid-19-outbreak))

The normal arrangements and procedures that must follow a decision to exclude on disciplinary grounds are described in the 2017 statutory guidance on [Exclusion from maintained schools, academies and pupil referral units in England](#). These remain unchanged apart from issues relation to remote access for meetings.

All exclusions occurring up to 24<sup>th</sup> March 2021 can:

- Use remote access technology for meetings of Governing boards or independent review panels where it is not reasonably practical to meet in person.
- All meetings should take place within normal timescales.
- If deadlines are missed because of coronavirus (COVID-19), the meeting must be held as soon as it becomes reasonably practical (either in person or remotely) and follow the guidance regarding timescales as identified in the document Changes t to the School Exclusion Process during the Coronavirus (COVID-19) outbreak updated on 5<sup>th</sup> October 2020