

# EASTHAMPSTEAD PARK COMMUNITY SCHOOL

## Exclusion Policy



### Rationale

This is a statutory policy that outlines the responsibilities of governors, staff and parents when it is necessary to exclude a student from school. It has 2 aims:

1. To ensure the safety and well-being of all members of the school community and to maintain an appropriate educational environment in which all students can learn and succeed.
2. To realise the aim of reducing the need to use exclusion as a sanction.

It is based on the clear evidence that exclusion from school can have a profound impact on students continuing in education and opportunities for gainful employment.

### Reference:

The Department of Education's guidance 'Exclusion from maintained schools, academies and pupil referral units in England, updated Sep 2017

<https://www.gov.uk/government/publications/school-exclusion>

### Policy Statement

Any exclusion should be consistent with the school's Behaviour and Discipline Policy. Only the Headteacher or (Deputy Headteacher acting in the absence of the Headteacher) can exclude a student.

### Reasons for Exclusion

The decision to exclude a student permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's Behaviour and Discipline 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.

The decision on whether to exclude is for the Headteacher to take. However, where practical, headteachers should give students an opportunity to present their case before taking the decision to exclude. Whilst exclusion may still be an appropriate sanction, the Headteacher should take account of any contributing factors that are identified after an incident of poor behaviour has occurred.

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.' This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen.

Exclusions, whether fixed term or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct and are infringements of the school's Behaviour and Discipline policy:

### Physical assault against another student

Includes fighting, violent behaviour, wounding, obstruction and jostling.

## **Coercion**

Use of so called coercion games e.g. pinch, punch, flinching games, games that involves suppressing another's movement by holding or restraining them, circle game, debagging or wedgies, Chinese or Indian burn, kick me or similar signage, noogie – using knuckles to create a friction burn, peanuting the use of spit balls,

Applying food, glue or similar substance to another without their consent, cutting hair or skin, deliberate act of creating bruises over sustained contact.

Coercing someone to ingest a substance that will promote an adverse reaction e.g. chillies, urine or other substance

## **Physical assault against an adult**

Includes violent behaviour, wounding, obstruction and jostling.

## **Verbal abuse/threatening behaviour towards another student or an adult**

Includes threats of violence, aggressive behaviour, swearing, homophobic abuse and harassment, verbal intimidation, carrying an offensive weapon.

## **Bullying**

Includes verbal bullying, physical bullying, homophobic bullying, racist bullying, cyber bullying, and extremism.

## **Racist Abuse**

Includes, in addition to racist bullying; derogatory racist statements, swearing attributed to racist characteristics, racist graffiti.

## **Sexual Misconduct**

Includes sexual abuse, sexual assault, sexual harassment, lewd behaviour, sexual bullying, and sexual graffiti.

Sexual harassment is likely to: violate a child's dignity, and/or make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment. As examples sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names;
- sexual "jokes" or taunting;
- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes and displaying pictures, photos or drawings of a sexual nature; and
- online sexual harassment. It may include: • non-consensual sharing of sexual images and videos.
- sexualised online bullying;
- unwanted sexual comments and messages, including, on social media; and
- sexual exploitation; coercion and threats

## **Misconduct involving drugs/alcohol/tobacco**

Includes possession of illegal drugs, inappropriate use of prescribed drugs, dealing in drugs, smoking, alcohol abuse, substance abuse.

## **DANGEROUS AND BANNED ITEMS NOT TO BE BROUGHT INTO SCHOOL**

### **Prohibited and Dangerous Items:**

1. Illegal drugs and 'legal highs' and any paraphernalia associated with drug taking
2. Guns, including toy/imitation ones
3. Knives including penknives, shafts with a sharpened point and other offensive weapons including knuckle dusters
4. Stolen property
5. Alcohol
6. Fireworks or any other explosive or flammable items

The school reserves the right to inform police and social care if items that are prohibited are brought onto the school premises and if appropriate to give these items to the police.

### **Banned Items:**

- Aerosols (as these may trigger asthma attacks)
- Matches, Lighters, Cigarettes, Tobacco pouches, Vapes and accompanying smoking equipment
- Excess jewellery (see uniform policy) including raised setting claw type or sovereign rings
- Energy drinks i.e those with a high caffeine content such as Red Bull, Monster or any other brand including supermarket own-brands. Glass bottles.
- Fidget Spinners (with the exception of fidget toys agreed and issued by the AHT Inclusion who is the designated SENCo)
- Glass marbles or Snooker balls
- Hair straighteners or other heating devices
- Fake tan or colourants in a bottle
- Prescribed or over the counter medication or products (these should be signed into Welfare and stored appropriately following the schools managing medicines policy)
- Laser pens
- Racist, Homophobic or Pornographic material- in digital or other formats
- Helium balloons
- Any item that could be used or perceived as a weapon of offence, or that could pose a threat to others
- Drones or other remote controlled devices
- Lottery cards or betting slips or similar

### **Damage**

Includes vandalism, arson and graffiti.

### **Theft**

Includes stealing school property, stealing personal property of students or adults, stealing from a shop while on a school trip, selling and dealing in stolen property.

### **Persistent disruptive behaviour**

Includes challenging behaviour, disobedience/defiance and persistent violation of the school rules.

### **Other**

Includes serious acts of misconduct not covered by the above.

The behaviour of students outside school can be considered as grounds for exclusion. This will be a matter of judgement for the Headteacher in accordance with the school's published Behaviour and Discipline policy.

### **Types of Exclusion**

There are two types of exclusion:

#### **1. Fixed Period Exclusion**

- Most exclusions are of a fixed term nature and are of short duration (usually between one and five days).
- The DfE regulations allow the Headteacher to exclude a student for one or more fixed periods not exceeding 45 days in any one school year.
- A fixed period exclusion does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.
- Following an exclusion the parents are contacted by the school immediately where possible and provided with the following in writing:

- 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 as directed in the letter
  - How any representation 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
- A re-admission /return to school meeting will be held as the student returns to school. This will routinely involve a member of the Senior Leadership Team (SLT), Head of Year (HoY) and other staff where appropriate. Plans to support the students will involve input from parents and carers in order for the school and the family to work proactively together. Support for the school in maintaining an orderly learning environment is expected
  - It is the school's practice to place the student on the school's reporting system to the HoY for 2 weeks after the exclusion to monitor behaviour and work. For each excluded student a pastoral support plan is drawn up with the school, student and parent, targets set and any necessary intervention strategies put in place and monitored regularly by the HoY.
  - During the course of a fixed term exclusion (FTE) where a student is to be at home, parents and carers are advised that the student is not allowed on or near the school premises and that day-time supervision is the responsibility of the parents.
  - Where an excluded student is of compulsory school age the Headteacher or her representative must also notify parents, carers without delay, and by the end of the afternoon session:
    - 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 student 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 student to identify the person he/she should report to on the first day.
  - The school will take all reasonable steps to set work for any student on a fixed term exclusion.
  - The school will make provision where fixed term exclusion could result in a student missing an external exam.
  - The school will provide alternative provision from the sixth day of a fixed term exclusion.

## **2. Permanent Exclusion**

This should only be sanctioned for very serious breaches of the school Behaviour and Discipline policy; and persistent breaches of the policy; and if allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school. It may also be used where periods of fixed term exclusion and every possible strategy has not had the intended impact on improving the behaviour of a student or where an incident is the 'final straw' in a long chain of serious breaches of discipline. A student does not have the right to return to school if the exclusion is upheld.

The Governors' Disciplinary Committee will consider the decision of the Headteacher, listen to evidence and any representations, before deciding whether to uphold the decision. The school is responsible for setting work for the student until the Governors' Disciplinary Committee makes its decision concerning the exclusion.

In order to avoid permanent exclusions an Individual Management Plan (IMP) will be put in place for students who are in danger of being permanently excluded due to a pattern of behaviours and with whom the HOY is closely involved in dialogue with parents, carers and the student.

This does not apply however to students who are permanently excluded for a serious one-off offence. Plans to support the students will involve input from parents and carers in order for the school and the family to work proactively together. Support for the school in maintaining an orderly learning environment is expected.

### **Process for Appealing against the Headteacher's decision to exclude**

- The governing body has a duty to consider parents' representations about an exclusion. The requirements on a governing board to consider an exclusion depend upon a number of factors (these requirements are illustrated by the diagram in Annex A of this guidance, *A summary of the governing body's duties to review the head teacher's exclusion decision*)
- The governors have established the following arrangements to review:
  - Fixed term exclusions less than 5 days in any one term, should any representations made by parents, the representations will be dealt with by applying the Complaints Policy process. In the absence of any representations from the parents, the governing body is not required to meet and cannot direct the reinstatement of the pupil
  - Fixed term exclusions between 5 and 15 days in any one term AND will convene a meeting ONLY IF the parent requests a meeting. The meeting must be held between the 6th and 50th school day after the exclusion notice 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
  - Fixed term exclusions of more than 15 days in any one term and Permanent Exclusions AND convene a Governors Disciplinary Committee meeting between the 6th and 15th school day after the exclusion notice.
- The governing board has a duty to consider parents' representations about an exclusion. The requirements on a governing board to consider an exclusion depend upon a number of factors (these requirements are illustrated by the diagram in Annex A of this guidance, *A summary of the governing board's duties to review the head teacher's exclusion decision*).
- In the case of a maintained school, the governing board may delegate its functions with respect to the consideration of an exclusion to a designated sub-committee consisting of at least three governor's known as the Governors Disciplinary Committee
- The governing board must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the 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 a term; or
  - it would result in a pupil missing a public examination or national curriculum test.
- Where an exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for a governing board. It must, so far as is reasonably practicable, consider the exclusion before the date of the examination or test. If it is not practicable for a sufficient number of governors to consider the decision before the examination or test, the chair of governors, in the case of a maintained school may consider the exclusion alone and decide whether or not to reinstate the pupil. In such cases, parents still have the right to make representations to the governing body and must be made aware of this right.
- The following parties must be invited to a meeting of the governing body and allowed to make representations: • parents (and, where requested, a representative or friend); • the headteacher; and • a representative of the local authority (in the case of a maintained school or PRU).
- The governing board must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties but in compliance with the relevant statutory time limits set out above. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

### **Process for appealing against the Governors' decision to permanently exclude**

Parents of excluded students have the right to complain about the process of the exclusion and

the decision of the Governors' Disciplinary Committee. In the case of a permanent exclusion where the Governing Body decides not to reinstate the pupil, the Governing Body's notification must also include the information below.

- The fact that it is permanent.
  - Notice of parents' right to ask for the decision to be reviewed by an independent review panel and the following information:
    - the date by which an application for a review must be
    - where and to whom an application for a review (and any written evidence) should be submitted;
    - that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's SEN are considered to be relevant to the exclusion;
    - that, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the local authority/academy trust to appoint an SEN expert to advise the review panel;
    - details of the role of the SEN expert; and
    - that parents may, at their own expense, appoint someone to make written and/or oral representations to the panel.
  - That, in addition to the right to apply for an independent review panel, if parents believe that there has been unlawful discrimination in relation to the exclusion then they may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court, in the case of other forms of discrimination. 23 Section 51A Education Act 2002 and regulations made under that section. 23
  - That a claim of discrimination under the Equality Act 2010 made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place (e.g. the day on which the pupil was excluded).
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**Reviewed and Revised:** March 2019

**Responsibility for Implementation and Review:** DHT for Raising Standards  
Student Support Committee

**Date of Next Review:** Spring 2020

### Annex A – A summary of the governing board’s duties to review the head teacher’s exclusion decision

