



# Wadebridge School

## Exclusion Policy

Wadebridge School is committed to being a fully accessible and inclusive organisation welcoming and respecting the diversity of its students, staff, community and visitors to the school.

### **Rationale**

This policy is underpinned by the commitment of all at Wadebridge School to ensure the safety and well-being of the whole school community and to maintain an appropriate educational environment in which all can learn and achieve to their full potential. This policy applies in school, when students are travelling to and from school, when students are in uniform and on educational visits.

### **Introduction**

The decision to suspend/exclude a student will be taken by the Headteacher in the following circumstances:

- In response to a serious breach, or persistent breaches, of the school's Behaviour for Learning 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.

Suspension is an extreme sanction and is only used by the Headteacher. Permanent exclusion will only be used as a last resort.

Examples of infringements of the School's Behaviour for Learning Policy which may result in suspensions or permanent exclusion include (but are not limited to):

- Verbal abuse/swearing directed at a member of staff;
- Physical abuse to/attack on staff;
- Physical abuse to/attack on students;
- Bullying of another student (as defined in the school's Anti-Bullying Policy);
- Inappropriate use of social media inside or outside of school, either with the intent of causing harm to another person within the school community or to bring the school into disrepute;
- Indecent behaviour;
- Damage to property;
- Bringing drugs onto the school site and/or misuse of illegal drugs or other substances including supplying on the school site or on the way to/from the school site;
- Theft;
- Serious actual or threatened violence against another student or a member of staff;
- Intimidation of another student or a member of staff;
- Sexual abuse or assault;
- Possession of an offensive weapon, replica weapon or article deemed to be offensive or dangerous;
- Actual/IMPLIED threatening behaviour towards a member of staff or a student with an offensive weapon, including on the way to/from school site;
- Arson;

- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the student's behaviour;
- Refusal to follow the reasonable instructions of a member of staff.

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

### **Factors considered before determining to exclude**

Before deciding whether to exclude a student either permanently or for a fixed period (suspension) the Headteacher will:

- Ensure appropriate investigations have been carried out and consider all evidence available at the time;
- Where practical, give the student an opportunity to present their case before taking the decision to exclude;
- Establish the facts on the balance of probabilities (i.e. it is more likely than not that a fact is true);
- Ensure that their decision is 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 the school's wider legal duties, including the European Convention of Human Rights), rational, reasonable, fair and proportionate;
- Take account of:
  - their legal duty of care;
  - their statutory duties in relation to special educational needs (SEN);
  - any contributing factors that are identified after an incident of poor behaviour has occurred e.g. a student has recently suffered bereavement, has mental health issues or has been subject to bullying which might explain their behaviour;
  - the relevant school's policies, including Behaviour for Learning Policy, SEN, drugs and Equality;
  - possible suitable alternatives to exclusion.

The school will also consider, and have due regard to the Equality Act 2010 in carrying out its functions in relation to exclusions and will ensure equality between students who share a protected characteristic and those who do not share it. The school will not discriminate against students because of their: sex, race, disability, religion or belief, sexual orientation, because of pregnancy/maternity, or because of gender reassignment.

In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider the gravity of the incident, or series of incidents, whether it/they constitute(s) a serious breach of the School's Behaviour for Learning Policy and the effect that the student remaining in the school would have on the education and welfare of other students and staff.

### **Alternatives to exclusion**

#### Lunchtime suspension

Students whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period.

#### Internal suspension

In some situations the school will consider issuing an internal suspension where students will follow an alternative school day from 8.45am until 4.30pm or experience an alternative curriculum at the discretion of a senior member of staff.

#### Trustees Behaviour Meeting

Where a student repeatedly fails to meet the expectations of the Behaviour for Learning Policy, consideration will be given to holding a Trustees Behaviour Meeting. The meeting will be attended by

the student, parent/carer, senior member of staff and at least one trustee. The meeting will provide the opportunity for the school to share concerns and allow the trustee(s) to agree behaviour targets with the student and parent/carer. Targets agreed, monitoring deadlines and support provision will be confirmed in writing. Suspension/Exclusion may be considered where the student fails to meet the expectations agreed in the Trustees Behaviour Meeting.

### Managed move

A managed move may be appropriate when a student has exhausted the many and varied support strategies available within Wadebridge School and permanent exclusion could be avoided by arranging a managed move to another school. This alternative is at the discretion of the Headteacher. A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed moves should be agreed with all parties involved, including the parents and the admission authority of the new school. If a temporary move needs to occur to improve a pupil's behaviour, then offsite direction (as described below) should be used. Managed moves should only occur when it is in the pupil's best interests.

### Off-Site Direction

Off-site direction is when a school considers that a temporary move needs to occur to improve a pupil's behaviour. Off-site direction requires a pupil to attend another education setting to improve their behaviour. Where interventions or targeted support have not been successful in improving a pupil's behaviour, off-site direction should be used to arrange time limited placements at an alternative provision or another mainstream school. During the off-site direction to another school, pupils must be dual registered. Code B should be used for any off-site educational activity, if the provision is an approved educational activity that does not involve the pupil being registered at any other school.

### **Exclusion/Suspension procedure**

- Most suspensions 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 school days in a single academic year), or permanently.
- In the event of an exclusion/suspension being issued, the Headteacher or a member of senior staff will attempt telephone contact with the parents/carers to inform them of the exclusion/suspension without delay. The reasons for the exclusion/suspension will be provided and a date for a re-integration meeting (if applicable) will be agreed. A record of contact/attempted contact will be maintained including times and response of parents/carers.
- Whether or not telephone contact has been made, a letter will be sent home confirming: the reasons for the exclusion/suspension; the period of a fixed period suspension or, for a permanent exclusion, the fact that it is permanent; that parents/carers are legally required to ensure that their child is not present in a public place during school hours without reasonable justification; and details of any alternative provision being arranged (if applicable). The letter will also confirm the parents/carers' right to make representations about the exclusion/suspension to the board of trustees.
- Where it is not possible, or appropriate, to arrange alternative provision during the first five school days of an exclusion, the school will take reasonable steps to set and mark work for students. Work that is provided will be accessible and achievable by students outside of school.
- During the course of a suspension where the student is to be at home, parents are advised that the student is not allowed on the school premises, and that daytime supervision is their responsibility, as parents/carers. Under current legislation, parents/carers are obliged to take responsibility for their child if they are suspended and ensure that they are not in a public place without good reason during school hours within the first five school days of any exclusion. If they do not, the school or local authority may issue a fixed penalty notice.

## **Suspensions over five days**

- According to the legislation, Wadebridge School is obliged to provide full time education from the sixth day of any period of suspension of six days or longer. The school will liaise with the Local Authority for any suspension of more than five days in order that the right full-time education and transport is arranged, including consecutive suspensions exceeding more than five days.

## **Reintegration after suspension**

- Following a suspension, a 're-integration' meeting will be held and this will involve the student, parent/carer, a member of senior staff and/or other staff where appropriate. It is school practice to monitor behaviour and work alongside student very closely for a period following suspension. This may mean the use of a report or close support from staff.

## **Permanent Exclusion**

The decision to exclude a student permanently is a very serious one. There are two main types of situation in which permanent exclusion may be considered.

### *1. In response to persistent breaches of the school's Behaviour for Learning Policy*

In this case, permanent exclusion is a final, formal step in a concerted process for dealing with repeated disciplinary issues. It is an acknowledgement that a wide range of strategies have been used without success and allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school. An example of when this might apply is persistent and defiant misbehaviour including bullying.

### *2. In response to a serious breach of the school's Behaviour for Learning Policy*

In this case, the Headteacher determines that the breach of the policy is so serious that it would not be appropriate to implement other strategies. Examples of when this might apply include (but are not limited to):

- Serious actual or threatened violence against another student or a member of staff;
- Sexual abuse or assault;
- Drug/alcohol related offences;
- Carrying an offensive weapon;
- Arson;
- Deliberate damage to school site/property;
- The use of social media sites that cause offence to the school or any of its members, past or present;
- Or any of the other examples as identified on page 1 of this policy.

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously harms the education or welfare of the student or others in the school.

The school will also consider police involvement for any of the above offences.

## **Reviewing a Permanent Exclusion (see Appendix 1)**

The board of trustees will automatically consider the reinstatement of a permanently excluded student within 15 school days of the exclusion if:

- the exclusion is permanent
- it is a fixed period exclusion which would bring the student's total number of school days of exclusion to more than 15 in a term, or

- it would result in a student missing a public examination or national curriculum test

It shall be the responsibility of the Clerk to the Governors to convene a trustee review panel.

#### Members of the trustee review panel

The trustee review panel shall be made up of three trustees who have not had any prior involvement in the matter. The Clerk shall appoint one of these members to be the Chair of the trustee review panel.

#### Parties attending trustee review panel meeting

The parents/carers of the student and the Headteacher (and any other member of school staff where appropriate) shall be invited to the review and allowed to make representations. Parents/carers may be accompanied to the meeting by a friend, relative, advocate or interpreter.

Where possible, the excluded student shall be enabled and encouraged to attend the meeting and speak on their own behalf, taking into account the student's age and understanding. Where this is not appropriate, the excluded student will be given the opportunity to feed in their views by other means such as setting their views out in writing.

The trustee review panel is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account. Should either party wish to bring witnesses to the meeting, the names of these witnesses shall be provided to the Clerk at least 5 school days before the meeting. The party calling the witness is responsible for informing the witness of the time, date and location of the meeting.

Where a student under the age of 18 is invited to be a witness, the party seeking to bring the witness should first seek the consent of that student's parents and confirm to the Clerk that consent has been given. The Clerk should ensure that the parents are invited to accompany their child to the meeting.

Every effort will be made to arrange the meeting for a time and date that is convenient to all parties but in compliance with the relevant statutory time limits.

The Clerk is responsible for ensuring that reasonable adjustments are made where needed to support the attendance and contribution of all parties at the meeting (for example where a parent or student has a disability in relation to mobility or communication that impacts upon their ability to attend the meeting or to make representations).

#### Information to be provided in advance

As soon as reasonably practicable and in any event at least 5 school days before the trustee review meeting, the Headteacher and parents of the excluded student shall be sent written notification of the date, time and place of the hearing, together with brief details of the governing body review panel members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the panel.

The Headteacher and the parents of the excluded student should provide to the Clerk the names of all witnesses and copies of all documents, written evidence or information which they wish the Panel to consider at least 5 school days before the meeting. The Panel reserves the right not to consider any documentation presented by either party less than 5 school days prior to the meeting. This information and copies of these documents shall be provided to the other party at least 5 school days before the meeting.

#### Conduct of the hearing

The Clerk shall ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the trustee review panel. Copies of these minutes shall be made available to all parties on request.

The meeting will be conducted in such a way as to ensure that all those present have the opportunity to present their case, ask questions and make comments in an appropriate manner. The meeting will allow for:

- The Headteacher (and any other member of school staff where appropriate) to explain the reasons for the exclusion and the parents to set out their response;
- The opportunity for both parties to ask questions of each other about the exclusion;
- Panel members to have an opportunity to question both the Headteacher (and any other member of school staff where appropriate) and the parents;
- Any party to call witnesses (subject to the prior approval of the Panel) and all parties having the right to question any witnesses;
- Final statements by both the Headteacher and the parents.

When establishing the facts in relation to an exclusion decision the trustee body review panel 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'.

The trustee review panel will consider:

- whether the Headteacher's decision to exclude the student was lawful, reasonable and procedurally fair, taking account of the Headteacher's legal duties;
- the interests and circumstances of the excluded student, including the circumstances in which the student was excluded; and
- the interests of other students and people working at the school.

After the meeting, the trustee body review panel will consider their decision and inform all parties of their decision in writing without delay and within at least 5 school days. The Panel can (by a majority if necessary):

- decline to reinstate the pupil; or
- direct reinstatement of the pupil immediately or on a particular date

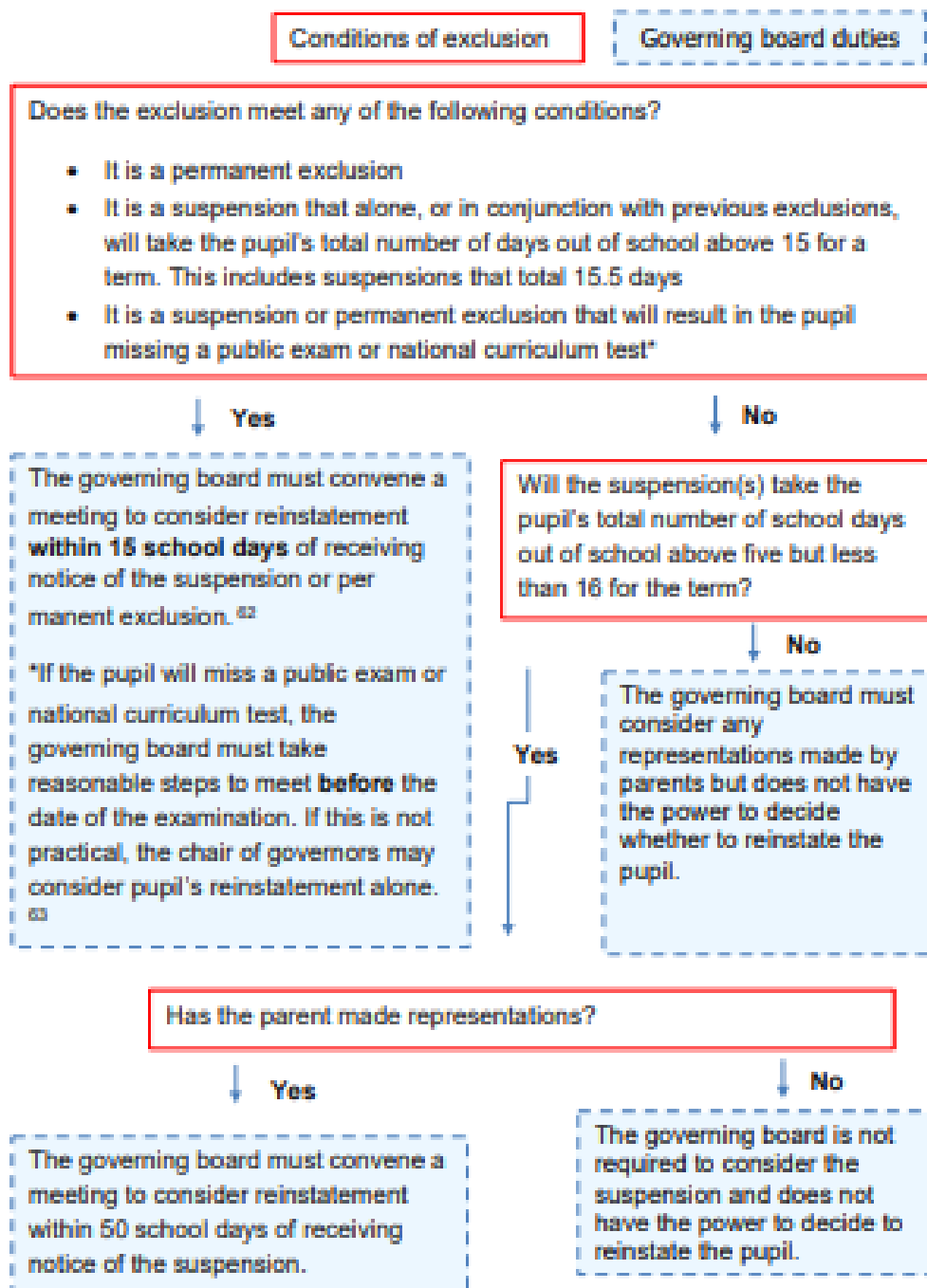
The Panel will ensure that the reasons for their decision are set out in sufficient detail to enable all parties to understand why the decision was made. The letter to the parents will also include the prescribed information as set out in the DfE guidance, including the parents' right to have the matter heard by an independent review panel where a permanent exclusion has been upheld.

### **Requesting a review of the Trustees' decision**

Where parents (or excluded student, if aged 18 or over) dispute the decision of a trustee review panel not to reinstate a permanently excluded student, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a suspension or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). An independent review panel does not have the power to direct a trustee board to reinstate an excluded student. However, where a panel decides that a trustee board's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a trustee board to reconsider its decision. If the trustee board does not subsequently offer to reinstate a student, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.

Whether or not the school recognises that a student has special educational needs (SEN), all parents/carers have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the student.

## A summary of the governing board's duties to consider reinstatement<sup>41</sup>



<sup>41</sup> Parents on diagram refer to parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

<sup>42</sup> The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

<sup>43</sup> The ability for a chair to review in the case of public exams refers only to maintained schools.