

Denefield School Exclusions Policy

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Date of next review	June 2023
Review cycle	Annual
Policy control sheet updated	Yes
Type of policy	Statutory
Policy owner	Headteacher
Location of policy	Website

Exclusions Policy

Status

Statutory

Aims and Purpose

At Denefield School we believe that exclusion is an extreme sanction and one we seek to use only as a last resort in response to a serious breach, or persistent breaches of the school's behaviour and discipline policy. Exclusion is not seen as a simple punishment, rather a means of maintaining good order and discipline in the school, so that all students can benefit from the opportunities provided.

This policy sets out the procedures with regard to exclusion at Denefield School so that all students are treated fairly and with respect. This policy is to be used alongside the linked documents referred to at the end of this policy, in particular the Behaviour and Discipline policy.

Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and student referral units \(PRUs\) in England \(September 2017\)](#).

It is based on the following legislation, which outline schools' powers to exclude students:

- Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- [The School Discipline \(Student Exclusions and Reviews\) \(England\) Regulations 2012](#)
- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded students
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#)

This policy complies with the school's funding agreement with the Department for Education and articles of association.

Roles and responsibilities:

The Trust Board will:

- monitor, review and evaluate the exclusions policy through reports to the Standards committee,
- monitor data on exclusions by protected characteristics through reports to the Standards Committee three times a year; and
- form a trustees' disciplinary panel, as required.

The Headteacher will:

- implement the school's exclusions policy within the school;
- ensure all staff are aware of their responsibilities in relation to exclusion;
- have the right to exclude a student on disciplinary grounds and be responsible for administering any exclusions;
- consider the school's responsibilities under the Equality Act 2010 when deciding whether to exclude a student, to ensure they are not discriminated against due to their gender, race, special educational need or disability, religion, sexual orientation, due to pregnancy or gender reassignment;
- review all of the information following a recommendation from the Deputy Headteacher / Assistant Headteacher (Personal Development and Welfare) to consider an exclusion;
- notify parents and carers of an exclusion;
- inform the local authority and trust board of an exclusion.

The Deputy Headteacher will:

- have the right to exclude a student on disciplinary grounds when acting in the absence of the Headteacher;

The Deputy Headteacher/Assistant Headteacher (Welfare and Personal Development) will:

- review all of the information following a serious incident and make recommendations regarding sanctions, including possible exclusion, to ensure consistency and fairness across the school; and
- monitor exclusion data on a termly basis.

The House team will:

- investigate any serious incident thoroughly and in a timely manner;
- present any investigations to the Deputy Headteacher/Assistant Headteacher (Welfare and Personal Development) for consideration of sanctions, including possible exclusion; and
- ensure that work is set for any student excluded from school (up to and including the fifth day of any exclusion) and that this is completed before the student returns to lessons.

Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

Class teachers will:

- set work for any student excluded from school (up to and including the fifth day of any exclusion).

Decision to exclude

Only the Headteacher, or acting Headteacher, can exclude a student from school. A permanent exclusion will only be issued as a last resort. When establishing the facts in relation to an exclusion the Headteacher will apply the civil standard of proof, i.e. 'on balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.'

Periods of exclusion

Each incident is considered on its own merits. The school uses the following guidelines when determining the length of exclusions:

A fixed term exclusion – internal or external - of up to three days – is likely if students:

- Disrupt lessons, or causes disruption in corridors or other areas, during or outside of lesson time;
- Refuse to follow the instructions of a member of staff;
- Act in a defiant manner by ignoring or deliberately disobeying school rules;
- Truant or refuse to attend lessons;
- Throw any object for any reason;
- Swear at, towards or in the presence of another member of the community.

There may be other reasons for which a fixed term exclusion of up to three days is the right response by the school, where other incidents can be seen as serious as those described above.

It is likely that longer fixed term exclusions of up to five days will happen if students:

- Verbally or physically abuse another member of the community;
- Verbally or physically abuse another member of the school community based on a protected characteristic, including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation;
- Bully, harass or otherwise victimise a member of the community, whether verbally or physically;
- Threaten any member of the community;
- Engage in fighting, including pushing or shoving;
- Make malicious allegations against other students or staff;
- Engage in vandalism or theft;
- Maliciously activate the fire alarm;
- Smoke tobacco or cigarettes they have in their possession;
- Repeating the cause of shorter exclusions.

There may be other reasons for which a fixed term exclusion of up three to five days is the right response by the school, where other incidents can be seen as as serious as those described above.

A student may be excluded for between six and 15 days for a repeat of any behaviour that led to a previous shorter term exclusion.

It is likely that students will be excluded for 16 or more days in the following circumstances:

- Persistent poor behaviour repeated over time, in spite of sanctions and support having been applied, or
- A serious offence, whilst further investigations are taking place.

It is likely that a permanent exclusion will be issued if students:

- Act in a dangerous manner or put their own or other people's safety in jeopardy;
- Pose a threat to any other members of the school community or take any action that may lead to another student, member of staff or passer-by being put at risk of serious harm;
- Physically assault another member of the school;
- Engage in sexual behaviour or sexual assault, including upskirting, or that may cause humiliation, pain, fear or intimidation;
- Being under the influence of drugs or other illegal substances;
- Being under the influence of alcohol;
- Possess any prohibited items, including:
 - o Knives or weapons, including training knives or other visually threatening implements;
 - o Alcohol;
 - o Illegal drugs or drugs paraphernalia, including with intent to supply;
 - o Stolen items;
 - o Fireworks;
 - o Pornographic images;
 - o Any article which a staff member reasonably suspects has been, or is likely to be used to commit an offence, or to cause personal injury to, or damage to the property of, any person, including, the student;
 - o Cigarettes, cigars, e-cigarettes or smoking paraphernalia;
 - o Laser pens;
 - o Fake ID;
- Supply or intending to supply any prohibited item or substance in school;
- Regular refusal to comply with staff instructions;
- Repeating the cause of shorter exclusions.

Leading up to the decision to exclude

Following a serious incident, the House team will conduct a thorough investigation. This will be overseen by the Deputy Headteacher/Assistant Headteacher (Welfare and Personal Development) and is likely to be undertaken by a Head of House. This will involve talking to the alleged perpetrator(s), victim(s), if any, and staff or student witnesses. Written statements (named and signed) will be taken where necessary including, where possible, from the alleged perpetrator/s. CCTV footage will be viewed where available. While the incident is being investigated, the student(s) involved may be isolated in order to minimise any further issues and their parent/carer will be notified.

Once the investigation has been completed, the Head of House will consult with the Deputy Headteacher/Assistant Headteacher regarding sanctions, including the possibility of exclusion. The Deputy Headteacher / Assistant Headteacher should ascertain whether there were any mitigating or extenuating circumstances. If the student chooses not to cooperate a decision will be made on the balance of probabilities. Where exclusion is to be recommended, a case will be made to the Headteacher at the first available opportunity.

In the case of students with Education and Health Care Plans or who are known to have significant learning difficulties, the SENDCO will also be consulted and where appropriate an emergency annual review will be arranged.

In the case of Children who are Looked After (CLA), the designated teacher for CLA will also be consulted.

In the case of students for whom there are safeguarding concerns, the designated safeguarding lead will also be consulted.

Informing parents or carers

The Headteacher will immediately provide the following information, in writing, to the parents or carers of an excluded student:

- The reason(s) for the exclusion;
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent;
- Information about parents' or carers' right to make representations about the exclusion to the trust board and how the student may be involved in this;
- Where there is a legal requirement for the trust board to meet to consider the reinstatement of a student, and that parents or carers have a right to attend a meeting, to be represented at a meeting (at their own expense) and to bring a supporter/friend.

The Headteacher will also notify parents or carers by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, that they are legally required to ensure that their child is not present in a public place during school hours without a good reason.

Parents or carers may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents or carers of an exclusion:

- The start date for any provision of full-time education that has been arranged;
- 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;
- Any information required by the student to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents or carers' consent.

Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the student, parents or carers, a member of senior staff and other staff, where appropriate.

Notifying the trust board and local authority

The Headteacher will immediately notify the trust board and the local authority (LA) of:

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

For a permanent exclusion, if the student lives outside West Berkshire, the Headteacher will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the Headteacher will notify the trust board and local authority once a term.

Representations to the Trust Board

Parents or carers have the right to make representations regarding exclusions to the Trust Board. Where this occurs, three trustees will convene a trustees disciplinary panel to establish whether the exclusion was in line with school policy and statutory guidance. In particular, trustees will establish whether the Headteacher's decision was legal, proportionate and fair. The Trust Board only has the right to reinstate the student where the exclusion would bring the total number of days of exclusion in any one term (in a three term year) to five or more and for all cases of permanent exclusions.

Considering the reinstatement of a student

The trustee disciplinary panel will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent;
- It is a fixed-term exclusion which would bring the student's total number of school days of exclusion to more than 15 in a term;
- It would result in a student missing a public examination.

If requested to do so by parents or carers, the trustee disciplinary panel will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a student missing a public examination, the trustee disciplinary panel will consider the reinstatement of the student before the date of the examination. If this is not practicable, the panel will consider the exclusion and decide whether or not to reinstate the student.

The trustee disciplinary panel can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date

In reaching a decision, the trustee disciplinary panel will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

The clerk to trustees will run the meeting, take minutes, and maintain a record of evidence considered.

The trustee disciplinary panel will notify, in writing, the Headteacher, parents or carers and the local authority of its decision, along with reasons for its decision, without delay. The outcome will also be recorded on the student's educational record.

Where an exclusion is permanent, the trustee disciplinary panel's decision will also include the following:

- The fact that it is permanent
- Notice of parents or carers' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made;
 - The name and address to whom an application for a review should be submitted;
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the student's SEN are considered to be relevant to the exclusion;
 - That, regardless of whether the excluded student has recognised SEN, parents or carers have a right to require the Denefield School to appoint an SEN expert to attend the review;
 - Details of the role of the SEN expert and that there would be no cost to parents or carers for this appointment;
 - That parents or carers must make clear if they wish for an SEN expert to be appointed in any application for a review;
 - That parents or carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents or carers may also bring a friend to the review.

If parents or carers believe that the exclusion has occurred as a result of discrimination, 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. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

An independent review

If parents or carers apply for an independent review, Denefield School will arrange for an independent panel to review the decision of the trust board not to reinstate a permanently excluded student.

Applications for an independent review must be made to the clerk to governors within 15 school days of notice being given to the parents or carers by the trustee disciplinary panel of its decision to not reinstate a student.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school trustees category and 2 members will come from the Headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school trustee or volunteer;
- School trustees who have served as a trustee for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Headteachers during this time;
- Headteachers or individuals who have been a Headteacher within the last 5 years.

A person may not serve as a member of a review panel if they:

- Are a member or trustee of the Trust Board;
- Are the Headteacher of Denefield School, or have held this position in the last 5 years;
- Are an employee of Denefield School;
- Have, or at any time have had, any connection with the Trust Board, school, parents or carers or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality;
- Have not had the required training within the last 2 years.

An independent clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the trust board's decision;
- Recommend that the trust board reconsiders reinstatement;
- Quash the trust board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed).

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

School registers

A student's name will be removed from the school admissions register if:

- 15 school days have passed since the parents or carers were notified of the exclusion panel's decision to not reinstate the student and no application has been made for an independent review panel, or
- The parents or carers have stated in writing that they will not be applying for an independent review panel.

Where an application for an independent review has been made, the trust board will wait until that review has concluded before removing a student's name from the register.

Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded students are not attending alternative provision, code E (absent) will be used.

Arrangements for monitoring and evaluation

This policy will be reviewed annually and will be updated in response to new guidance and/or legislation as necessary.

Exclusion reports are provided to the Standards committee three times a year, to enable the Trust Board to monitor data on student exclusions by protected characteristics.

The Headteacher reports termly to the Trust Board to enable it to monitor and evaluate the impact of the school's policies, practices and procedures.

Who/what was consulted

The Senior Leadership Team

Linked Policies

- Anti-bullying Policy
- Attendance Policy
- Behaviour and Discipline Policy
- Behaviour on a Page (Appendix 1)
- Code of Conduct for parents/carers and visitors
- Curriculum Policy
- e-Safety and Data Protection Policy
- Drugs Policy
- Equality Policy
- Respect and Responsibility Charter
- Safeguarding, Child Protection Policy
- Special Educational Needs Policy
- Teaching and Learning Policy
- Search and Confiscation Policy
- Use of Reasonable Force Policy

Behaviour on a page

Our students will

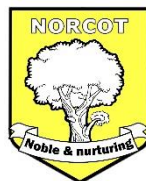
1. Follow staff instructions
2. Not interrupt learning

Our staff will

1. Meet and greet our students
2. Use the stages to ensure learning and safety
3. Give their first attention to good conduct
4. Not argue, but give a reminder, 'This is how we do it here'

CHARACTER values

Confidence
Happiness
Articulacy
Resilience
Ambition
Courage
Tolerance
Empathy
Respect



Stages for good conduct

Stage 1 **Verbal reminder**

Stage 2 **Final reminder**

Stage 3 **Removal from the lesson**

- Students are collected from their classroom and complete their work in a different venue.
- Students who are removed will complete a one-hour detention with their teacher.
- Students who are removed from more than one lesson in a day will remain out all day and complete an extra hour before or after school.

Respect at social times

Staff on duty will recognise and reward good conduct during social times and in corridors.

This is not how we do it here:

- Lazy or direct swearing
- Play fighting
- Being in unsupervised areas
- Unfair or dangerous play
- Disrespectful language

At Denefield we care

1. We care about our students
2. We care about our staff
3. We care about learning

We are a mobile-free school

Phones are switched off and in bags from the moment students enter the school gates to the moment they leave the site. Headphones cannot be visible at any time. Phones will be confiscated and collected by parents if they are seen by staff.

