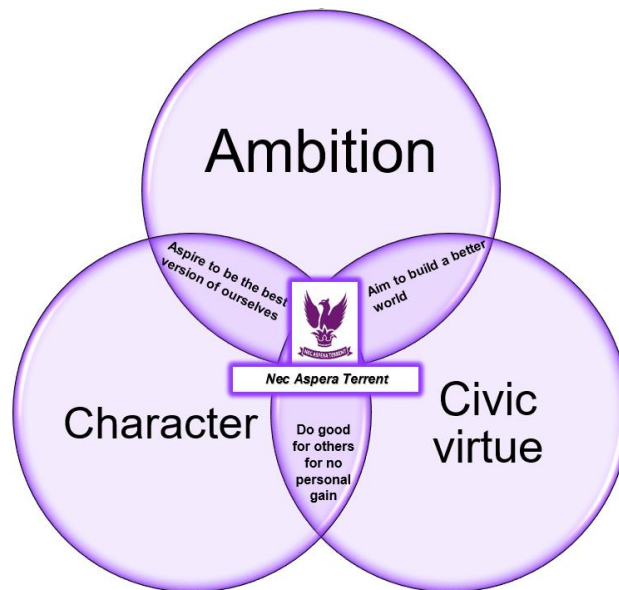




DRAYTON MANOR HIGH SCHOOL

# EXCLUSIONS POLICY



Ratified by the Governing Body: October 2023  
Date of next review: October 2024

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## **PART 1 – POLICY**

### **POLICY STATEMENT**

This Exclusion Policy should be consistently and fairly applied to recognise and sanction behaviour that is detriment to the learning and safety of others and to the good order of the school. School leaders must ensure that the Exclusion Policy aims, detailed below, are integral to their practice, in the classroom and elsewhere.

This policy is based on statutory guidance from the Department for Education: Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023.

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which sets out parental responsibility for excluded pupils
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014
- The Equality Act 2010
- Children and Families Act 2014
- The School Inspection Handbook, which defines 'off-rolling'

### **Our Approach**

We will promote a safe and supportive environment in the following ways

- fostering a community ethos of respect and tolerance in which all recognise that they share in the responsibility for the learning environment
- operating a common rewards system
- supporting students with learning and/or behavioural needs
- encouraging with praise and recognition good behaviour and effort
- consistent and fair response to behavioural issues
- establishing rules which allow students to understand the limits of acceptable and unacceptable behaviour
- responding decisively to misconduct

### **SANCTIONS**

Our approach to sanctions is governed by the overriding objective, namely maintaining a safe and supportive environment in which students can learn and staff can teach. Students are sanctioned for misconduct. Misconduct is anything a student does which harms or threatens to harm

- their learning or welfare
- the learning or welfare of fellow students
- the welfare of others they may affect, such as staff, visitors and others whom students must respect, such as people in the local area
- the reputation of the school

### **The Student Code and its Relationship to Misconduct**

To help students understand what we expect and how we will punish misconduct, we have a Student Code made up of Classroom Expectations, School Community Code, Wider Community Code and Social Media Code of Conduct. These can be viewed as part of the appendix to the Behaviour Policy.

The Student Code is **not** a complete set of school rules. Students may be punished for misconduct which is not described in the Student Code.

### **Suspension and Permanent Exclusion**

Suspension is a serious step only taken by the Headteacher. In some circumstances, it can be taken for a “first offence” and a series of “minor offences” which have harmed or threatened learning or welfare, including by calling disproportionately on the time of the school’s staff.

The current government guidance states that permanent exclusion is to be used as a last resort for serious or persistent misconduct when allowing the student to remain in school would seriously harm the learning or welfare of the student or others.

“Last resort” does not mean there is nothing else which *could* be done. It means that other sanctions would not match the seriousness of the misconduct, taking into account all the circumstances, including the student’s behavioural record.

Whether or not allowing the student to remain in school would seriously harm learning or welfare can never be said for certain. We can never know what might happen in future. We will exclude permanently when there is a serious risk of such harm. This includes the risk caused by appearing not to take misconduct seriously enough.

The following will definitely risk a student being suspended, including permanently excluded, though any misconduct may do so if serious enough. Behaviour involving

- violence
- intimidating behaviour or language
- drugs or prohibited substances
- weapons
- bullying
- discrimination
- theft
- any deliberate damage to property

- serious damage to property caused by carelessness
- defying staff instructions
- sexual misconduct
- gross discourtesy
- criminal conduct
- child on child abuse
- deliberately inventive or malicious reports

## **SIXTH FORM**

Our policy applies to all students including those who stay on in the Sixth Form. This reflects the important role they play in encouraging younger students to behave appropriately and fulfil their potential. Membership of the Sixth Form naturally attracts certain privileges, but students are expected to contribute to a range of school activities such as parents' evenings, presentations and mentoring programmes. These activities will be recognised in references to colleges, universities and prospective employers. Leadership and a willingness to make a sustained contribution to school life will be recognised through the election of prefects and the Head Boy, Head Girl, Deputy Head Boy and Deputy Head Girl. Students must adhere to the Student Code at all times.

## **OTHER ISSUES**

### **Behaviour Away from School**

The school has a legal power to discipline students for misconduct outside of the school premises. This includes when students are

- taking part in any school-organised or school-related activity
- travelling to or from school
- wearing school uniform
- in some other way identifiable as a student at the school
- or when their behaviour at any time, might
  - have repercussions for the orderly running of the school or
  - pose a threat to another student or member of the public or
  - adversely affect the reputation of the school

### **New Media**

A particular risk of harm arises from inappropriate use of new media by students. In particular, defamatory or intimidating messages, bullying or attempting to cause hurt to fellow students or members of staff could result in suspension or permanent exclusion.

### **Abuse or Intimidation of Staff Outside School**

The school will adopt firm measures against abuse or intimidation of staff by students. This includes unacceptable conduct by students when not on the school site or outside of school hours when not under the charge of a member of staff of the school.

### **Child on Child Abuse**

Child on Child abuse is behaviour by an individual or group, intending to physically, sexually or emotionally hurt others. All staff should recognise that children are capable of abusing their peers.

Once the outcome of the incident(s) has been established it is necessary to ensure future incidents of abuse do not occur again and consider the support, intervention and/or senior sanction required for those involved.

Students involved in any such activities noted in the 'Other Issues' sections above can expect to be

- instructed to behave in an acceptable manner by school staff and to be disciplined
- referred to their Head of Year or SLT member responsible for their Year group
- parents contacted
- issued with a senior sanction

This senior sanction may take the form of suspension or permanent exclusion.

## **EXCLUSION PROCEDURE**

### **Preventing Suspension and Permanent Exclusion**

Any student who is at risk of permanent exclusion or who has received two fixed term suspensions should be referred to the Multi-Professionals Panel for discussion and a Pastoral Support Plan is devised by the Head of Year.

### **Suspension and Permanent Exclusion Procedure**

Only the Headteacher can suspend or permanently exclude students. The decision on which sanction to use will depend on the degree of seriousness of the offence(s).

- The SLT member will refer the student to the Head who will then write the suspension/permanent exclusion letter, including details of the parents' rights to make representations about the suspension/permanent exclusion to the Governors' Discipline Committee. The student will be sent home at 3.30pm with the suspension/permanent exclusion letter and a copy of it will also be sent by post. A senior member of staff will telephone the student's home and talk to the parents. The Administration Officer will send a copy of the letter to the Deputy Head, Head of Year, Head of Inclusion and Form Tutor.
- During a period of suspension, the Head of Year should arrange for work to be provided by departments for the first 5 days of the suspension.
- During a permanent exclusion, work will be provided in accordance with the DfE guidance..
- Where a student has been suspended, a reintegration meeting will be arranged between the student, parents, Head of Year and the SLT/Head for the day of return from suspension. The Head of Year should telephone parents a few days before the meeting to check that they have received the letter and that they are able to attend. The student's file complete with reports should be given to the Head the day before. The Head or member of SLT must point out that continued persistent disruptive behaviour or one off serious misdemeanours place a student at risk of permanent exclusion. A letter may be sent to the parents afterwards summarising the main points of the meeting. This may be written by the Head, the Deputy Head or the Head of Year.

- The Governors' Discipline Committee will consider whether to uphold the Head's decision for all permanent exclusions, suspensions of 16 days or more or any suspension where parents choose to make representations. The Discipline Committee will follow procedures and work within timescales as detailed in the latest DfE guidance. The Clerk to the Discipline Committee will ask the Head of Year to prepare an overview, conduct log, attendance record and any other necessary paperwork in time to be circulated to all those attending the meeting.
- The law does not allow for extending a period of suspension or 'converting' a suspension into a permanent exclusion. In exceptional circumstances, such as cases involving a serious breach of the behaviour policy where additional evidence (including mitigating evidence) is required before making a decision, the school may issue a suspension pending investigation. Following investigation, the school may issue a further separate suspension to begin immediately after the first suspension ends or a separate permanent exclusion to begin immediately after the end of the suspension. The Headteacher may cancel an exclusion that has not yet been reviewed by the governing body. When an exclusion is cancelled, the parents, governing body, LA(s) and, if relevant, the pupil's Social Worker and/or Virtual School Headteacher must be notified without delay.
- The school will inform the LA of any suspension or permanent exclusion without delay in writing and confirm the type and length of suspension/permanent exclusion, start date, reason for suspension/permanent exclusion, dates when pupil must not be present in a public place and alternative provision arrangements.
- For a permanent exclusion, if the student lives outside the LA in which the school is located, the headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.
- The school will ensure all suspensions/permanent exclusions are recorded on the school's electronic management system and that the Governors are informed of any occasions when a governor review panel is required. Data on suspensions and permanent exclusions will also be reported to governors in the Headteachers Report at the Local Governing Body meeting.

#### Informing the students social worker and/or virtual school head (VSH)

If a:

- student with a social worker is at risk of suspension or permanent exclusion, the headteacher will inform the social worker as early as possible
- student who is a looked-after child (LAC) is at risk of suspension or exclusion, the headteacher will inform the VSH as early as possible, this is in order to work together to consider what factors may be affecting the student's behaviour, and what further support can be put in place to improve the behaviour.
- if the headteacher decides to suspend or permanently exclude a student with a social worker/a student who is looked after, they will inform the student's social worker/the VSH, as appropriate, without delay, that:
  - They have decided to suspend or permanently exclude the Student
  - The reason(s) for the decision
  - The length of the suspension or, for a permanent exclusion, the fact that it is permanent
  - The suspension or permanent exclusion affects the student's ability to sit a National Curriculum test or public exam (where relevant)

- They have decided to cancel a suspension or permanent exclusion, and why (where relevant)
- The social worker/VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the student's background and/or circumstances that may have influenced the circumstances of their suspension or permanent exclusion.

Students can only be suspended for a maximum of 45 days in any year.

## REVIEWING SUSPENSIONS AND PERMANENT EXCLUSIONS

For any suspension or permanent exclusion, parents/carers have the right to make their representations to governors and governors may direct the reinstatement of the Student. The type and duration of suspension determines the process and timeframe for governor review. All permanent exclusions must be reviewed by a panel of governors within fifteen school days of the permanent exclusion being issued. Suspensions, of any duration, that would result in a student missing a public examination or national curriculum test must be reviewed by a governor panel as soon as practically possible and at maximum within fifteen school days. Suspensions that result in a pupil being suspended for more than fifteen days in one academic term must be reviewed by a panel of governors within fifteen school days of the suspension being issued. If requested by the parent/carer, a suspension of six to fifteen days must be reviewed by a governor panel within fifty school days of the suspension being issued. If requested by the parent/carer, for a suspension of five or fewer days, governors must consider any representations made by the parent/carer but do not have to meet to do so.

## STUDENTS REQUIRING SUPPORT

For any suspension involving a student who is a Looked After Child, the school and Local Authority (VSH) must work together to arrange alternative provision from the first day of exclusion and document the provision of suitable education on the pupil's Personal Education Plan (PEP).

If a pupil has a Social Worker (SW) they should be notified without delay of the pupil's period of exclusion and reason for it.

Schools have a statutory duty to safeguard and promote the welfare of their students and must have regard for the statutory guidance Keeping Children Safe in Education. Where a permanent exclusion, or the governing body's reinstatement of a student, coincides with a safeguarding investigation it is important that decisions regarding the duty to provide an education are made alongside the duty to safeguard and support children. This is particularly important in cases of child-on-child abuse and allegations of sexual violence and assault. In these circumstances, the school's Designated Safeguarding Lead (or Deputy) should undertake the appropriate risk and needs assessments and take a leading role, supported by other agencies, to ensure the welfare and best interests of the child come first.

Where a permanently excluded pupil has SEND, the school must demonstrate that they have met the requirements of the SEND Code of Practice. This includes relevant assessments to determine whether disruptive behaviour could be caused by underlying unmet needs, and a range of provision and support put in place to meet any need. If a student has an Education, Health and Care Plan



(EHCP) and they are at risk of permanent exclusion, the school should request an emergency EHCP review.

### Cancelling exclusions

The headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated. Where an exclusion is cancelled, the headteacher must notify the parents, the governing board, the LA and the pupil's social worker and Virtual School Head as applicable, without delay. The notification must also provide the reason for the cancellation. The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement. Parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled (parent if the pupil is under 18 or the excluded pupil, aged 18 or over.) Written notification of the cancellation and reason for the cancellation can be provided by delivering it directly to the recipient, leaving it at their usual or last known home address, or posting it to that address. A notification to a parent can only be given electronically (e.g. by text message or e-mail) if it is sent to a number or address that the parent has agreed can be used for notifications of this kind.

### Requests for remote access meetings for governing board meetings or IRPs

Parents (if the pupil is under 18) or excluded pupils (if they are aged 18 years or older) can request a meeting to be held via the use of remote access but this should not be a default option. Governing boards or arranging authorities must hold the meeting via the use of remote access, if the request has been made correctly as set out in the headteacher's written notification (described in paragraph 64) or the governing board's written notification to the parents 93 that they can request an IRP (described in paragraph 132). Holding meetings via remote access must only be done if governing boards or arranging authorities are satisfied that the meeting is capable of being held fairly and transparently (described in paragraphs 249 and 250 in the Exclusions Guidance).

### Remote access meeting duties

If a governing board meets to consider and decide on reinstatement of a suspended or permanently excluded pupil via the use of remote access, this must happen within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher. Further information can be found in paragraph 97 of the DfE Exclusions Guidance. If an IRP meeting is to be held face to face or via the use of remote access, the local authority/academy trust must take reasonable steps to identify a date for the review that all parties, and any SEN expert appointed to give advice, are able to attend or join. The review must begin within 15 school days of the day on which the parent's application for a review was made (panels have the power to adjourn a hearing if required). Where a parent does not request a remote meeting or does not state a wish either way, governing boards and arranging authorities must hold the meeting in person (information can be found in part seven, nine and eleven of this guidance) unless it is not reasonably practicable to do so in person for a reason related to extraordinary events or unforeseen circumstances such as an unforeseen school closure due to floods, fire or outbreak of infectious illness/disease.

### **OTHER RELEVANT POLICIES**

This policy complements and supports a range of other policies and guidance and should therefore be read in conjunction with

- Behaviour Policy
- Physical Intervention to Control or Restrain Students Guidance
- Weapons Policy
- Bullying Policy
- Policy on Prohibited Substances Including Drugs
- Mobile Phone Policy
- Home/School Agreement
- Sixth Form Code of Conduct

#### **EVALUATION AND REVIEW**

This policy will be evaluated on an annual basis by the Head and Deputy Head (Behaviour).