
Exclusion Policy

Contents

Purpose.....	Page 2
Legal framework	Page 2
Roles and responsibilities	Page 3
Grounds for suspension or exclusion.....	Page 4
The headteacher's power to suspend and exclude	Page 5
Factors to consider when excluding a student.....	Page 6
Duty to inform parents/carers	Page 7
Disciplinary meeting	Page 8
Reviewing suspensions and exclusions.....	Page 8
Reaching a decision	Page 9
Appendices.....	Page 10
1. Parent/Carer Agreement.....	Page 10
Policy Revision Log	Page 12

Purpose

At Ash Meadow School, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that the exclusion of students may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy or Parent/Carer Contract. Excluding a student may also be required in instances where allowing the student to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding students will only be used as a means of last resort.

The school has created this policy to provide clarity on when the school's right to exclude a student may be exercised, and to ensure that our procedures are fair and promote natural justice.

Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Education Act 2002
- Education and Inspections Act 2006
- Education Act 1996
- The Education (Independent School Standards) Regulations 2014
- The European Convention on Human Rights (ECHR)
- Equality Act 2010
- DfE (2024) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

This policy operates in conjunction with the following school policies and contracts:

- Parent/Carer Contract & Positive Behaviour Support Plan (PBS)
- Promoting Positive Behaviour Policy
- Anti-bullying Policy
- SEND Policy
- Social, Emotional and Mental Health (SEMH) Policy
- Safeguarding and Child Protection Policy

Roles and responsibilities

The LA will be responsible for:

- Arranging suitable full-time education for any student of compulsory school age who is excluded permanently, in coordination with the school.
- Reviewing and reassessing students' needs in consultation with their parents and school where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.

The governance team will be responsible for:

- In conjunction with the headteacher, ensuring arrangements are in place to allow for a prompt review of all permanent exclusions, where necessary.
- Considering written representations from parents about exclusions within ten working days of receiving notice.
- Where an exclusion would result in a student missing an examination or test, considering the exclusion before this date.
- Considering whether it would be appropriate for a student to be permitted onto the school premises to sit the examination or test.

The headteacher will be responsible for:

- Applying the civil standard of proof when establishing the facts in relation to an exclusion.
- Complying with their statutory duties in relation to students with SEND when administering the exclusion process, as outlined in the SEND Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a student has suffered bereavement, bullying or has a mental health issue.
- Considering what extra support may be needed to identify and address the needs of individual students, particularly students:
 - With SEND
 - Who are eligible for FSM (send voucher)
 - Who is LAC
 - From certain ethnic groups
- Engaging effectively with parents/carers in supporting the behaviour of students with additional needs.

- Instigating a multi-agency assessment, including onsite PBS and Shine therapy leads, to assess the behavioural issues of vulnerable students when necessary.
- Arranging and attending a disciplinary meeting with the student and their parents/carers.
- Determining whether a student will be excluded on disciplinary grounds.
- Ensuring any decision to exclude is lawful, rational, reasonable, fair, and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to exclude a student.
- Ensuring they have considered their legal duty of care when sending a student home following an exclusion.
- Notifying a student's parents/carers without delay where the decision is taken to exclude the student.
- Notifying the LA within 24 hours of their decision to exclude a student where appropriate, as well as the student's home authority if required.
- Organising suitable work for excluded students where necessary.
- Considering problems, e.g. safeguarding concerns, that may be caused by a temporary exclusion, e.g. inadequate supervision of the student during the exclusion.

Grounds for suspension or exclusion

The school will only suspend or exclude a student where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour Policy and in line with the Parent/Carer Contract, have failed to be successful.

The following examples of student behaviour may underline the school's decision to suspend or exclude a student:

- Serious physical assault against a student
- Serious physical assault against an adult
- Use, or threat of use, of an offensive weapon or prohibited item
- Bullying
- Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse

The above list is not intended to be exhaustive, and it will remain at the discretion of the headteacher to determine if exclusion is an appropriate disciplinary action in response to an incident or series of incidents.

Students can be suspended on a fixed-period basis, i.e. up to 45 school days within an academic year, or permanently. Similarly, students can be permanently excluded following a suspension, where further evidence is presented.

In all cases, the headteacher will decide which exclusion period a student will be subject to, depending on what the circumstances warrant.

The headteacher will decide if an offence warrants police involvement if there is a belief criminal activity may have taken place.

The headteacher's power to suspend and exclude

Only the headteacher has the power to suspend or exclude a student from the school, which is derived from the Parent/Carer Contract, and they will decide whether a suspension or exclusion is appropriate. In the absence of the headteacher the proprietor will decide.

The headteacher is able to suspend students from the premises where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day.

Any decision made to exclude a student will be lawful, proportionate, and fair, with respect to the school's wider legal duties, including the European Convention of Human Rights (ECHR). At all times, the headteacher will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, e.g. race, sex, disability, and will not increase the severity of a student's exclusion on these grounds.

When sending a student home following a suspension or exclusion, the headteacher will ensure that they exercise their duty of care at all times and will always inform the student's parents/carers.

The headteacher will apply the civil standard of proof when responding to the facts relating to a suspension or exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

The headteacher will not issue any 'informal' or 'unofficial' suspensions or exclusions, e.g. sending a student home to 'cool off', regardless of whether the parents have agreed to this.

The headteacher will not use the threat of suspension or exclusion as a means of instructing parents to remove their student from the premises.

All suspensions and exclusions will be formally recorded on CPOMs and School Pod, and Welfare Call will be alerted if the student is on their attendance list.

Factors to consider when excluding a student

A suspension or exclusion will only be imposed instantly if there is believed to be an immediate threat to the safety of staff and students in the school or the student themselves.

When considering the suspension or exclusion of a student, the headteacher will:

- Ensure an appropriate investigation and evidence-recording process is carried out.
- Allow the student the opportunity to present their case, accompanied by a member of staff or a parent if requested.
- Give adequate consideration to contributing factors that are identified after a case of poor behaviour has occurred, e.g. the student's SEND, or if the student's wellbeing has been compromised, or they have been subjected to bullying.

The headteacher will consider what extra support may be available for vulnerable student groups, e.g. students with SEND, whose suspension or exclusion rates are higher, to reduce their risk of exclusion.

The headteacher will consider avoiding permanently excluding LAC, students with SEMH issues and students with an EHC plan.

Where any member of staff has concerns about vulnerable student groups and their behaviour, they will report this to the headteacher, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational and mental health needs, or other needs and vulnerabilities.

Where SEND or SEMH issues are identified, an individual positive behaviour support plan (PBS) and therapy plan will be created using the graduated response outlined in the school's Behaviour Policy. If the student continues to endanger the physical or emotional wellbeing of other students or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered.

In accordance with the Equality Act 2010, under no circumstances will a student with identified SEND or SEMH issues be excluded before the graduated response process has been completed.

Where a student with SEND or SEMH issues is permanently excluded because of a SEND- or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these students are closely tracked and showing that the school has a close relationship with the student's next destination.

The headteacher will work in conjunction with the parents/carers of any student with additional needs to establish the most effective support mechanisms.

Duty to inform parents/carers

The headteacher will inform the parents/carers of a student under investigation for an incident that may result in suspension or exclusion as soon as is reasonably practical.

When a decision is made to suspend or exclude a student, the headteacher will immediately inform the parents/carers, in person, via email or by telephone, of the period of the suspension or the permanency of the exclusion and the reasons behind this.

The headteacher will inform the student's parents via written communication of the following:

- The reason(s) for the suspension or exclusion
- The length of the suspension or permanency of the exclusion
- The arrangements to allow the student to work at home, where appropriate
- The student's rights to enter the school premises during the suspension or exclusion
- Their right to raise any representations about the suspension or exclusion to the governance team, including where a deadline applies, how the student will be involved in this and how the representations will be made
- Relevant sources of free, impartial information for example, SEND Information Advice and Support Services

If the headteacher has decided to suspend the student for a further fixed period following their original suspension, or to permanently exclude them, they will notify the student's parents/carers without delay and issue them with a new exclusion notice.

If a student with SEND has been excluded, the headteacher will ensure that:

- Any alternative provision is arranged in consultation with the student's parents/carers and LA, who can request preferences.
- When identifying alternative provision, any EHC plan is reviewed or the student's needs are reassessed, in consultation with the student's parents/carers and LA.

Disciplinary meeting

The headteacher will decide if a disciplinary meeting is required to address breaches of the school's Behaviour Policy or Parent/Carer Contract where exclusion is considered necessary.

The student and their parents/carers will be requested to attend the disciplinary meeting, and they will be provided with the opportunity to provide their views of the complaints made.

A member of staff will be chosen by the student to accompany them in the meeting if requested.

At the meeting, the headteacher will ensure the following documents are available:

- A statement detailing the incident(s) and reason for exclusion in the correct communication format
- The report compiled as part of the investigation
- Any relevant correspondence, e.g. written statements
- Relevant documents from the student's school file
- A copy of this policy

The headteacher will not be required to share confidential information, or the identities of students or others who have provided information that has formed part of the evidence against a student, with parents.

The headteacher will decide based on the evidence presented at the meeting and representations made by and on behalf of the student whether further investigation is needed.

If the incident is proven, the headteacher will inform the student and their parents of the possible disciplinary actions and a decision will be given within 48 hours.

If the student's parents request a review by the governance team, the student will remain suspended until the governance team has concluded the process.

Reviewing suspensions and exclusions

The governance team will consider any representations made by the student's parents in regard to suspensions and exclusions that are received in writing within five working days of notification – representations made after the deadline will be considered only at the discretion of the headteacher.

The parents' representation will state the basis on which they are seeking a review and the resolution they want.

The governance team will decide if a review is warranted based on the representation – a simple disagreement with the headteacher's decision will not typically be considered sufficient grounds for a review.

The headteacher will ensure appropriate arrangements are in place for the review if the student has SEND or the parents have any disabilities that necessitate additional facilities or adjustments.

When a review is granted, the governance team will select a three-member panel. The members of the panel will not have prior knowledge of the details of the case or be familiar with the student or their parents.

The student's parents will be notified before the review of the chosen members for the panel, and the governance team will consider any objections raised.

The review will take place within 10 working days of submission of the parents' representations during term time.

The chair of the panel will decide if new information provided by either side is allowed to be considered.

The panel will examine the evidence provided by both sides and the representations made and will decide if the original decision stands or whether the headteacher should reconsider their decision with recommendations made, e.g. to reduce the severity of the outcome.

A review meeting is a private procedure and all those involved will keep the proceedings confidential, subject to law.

In attendance at the review meeting will be the members of the panel, an appointed clerk, the headteacher, the student and their parents, and any relevant staff member requested by the student or their parents agreed upon by the headteacher.

The procedures of the review meeting will be informal, fair and follow the requirements of natural justice.

Reaching a decision

The panel will consider how the decision was reached and if the facts of the case were sufficiently proved – the civil standard of proof will apply.

The panel will decide if the disciplinary action was proportionate to the outcome of the incident.

The student and their parents/carers will be informed that if they are unhappy with the procedure of the review, they should raise their concern to the chair of the panel at the time and ask the clerk to note their concern.

Once all issues have been considered, the panel will reach its decision and make its recommendations, which will be communicated in writing, with justifications, to the

headteacher and the student's parents/carers by the chair of the panel within five working days of the meeting.

The headteacher will respond to the recommendations within 24 hours of notification. This decision will be final.

The headteacher will consult with the student's parents/carers before determining the leaving status of the excluded student, in line with the Parent/Carer Contract, and any additional arrangements, e.g. an updated EHCP for the student.

Appendices

1. Parent/Carer Agreement

Parent/Carer Agreement

A parent/carers agreement is a statement explaining the school's aims, values, policies and procedures, its responsibilities towards its students, the responsibilities of the student's parents, and what's expected of students.

At Ash Meadow School, we recognise each student as an individual and aim to give all students every opportunity to realise their full potential. We believe that a close partnership between the school, parents/carers and students is essential if we are to achieve this aim.

The aim of our parent/carers agreement is to encourage consistency, equality and fairness in all matters pertaining to the school. This can be done most effectively when all staff, parents and students understand their responsibilities and work together towards the same goals.

We require all parents and carers to sign the parent/career agreement and maintain an awareness that advice from the DfE states that refusal to sign the school's parent/carers agreement does not provide exemption for any students from the rules outlined by the school.

Parent/Carer Agreement

As a school we will:

- Provide a safe and secure learning environment.
- Teach and encourage students to do their best and achieve their full potential as a valued member of the school community.
- Promote positive values and a caring attitude towards the school community.
- Provide a balanced curriculum of the highest quality and meet the individual needs of every student.
- Offer opportunities for parents/carers to become involved in the daily life of the school.

- Contact parents/carers as soon as concerns are raised about a student's work, behaviour, attendance or punctuality.
- Have a clear and consistent approach to rewards and sanctions for students, as set out in the school's Behaviour Policy.
- Communicate between home and school through Dojo, notices, newsletters, the school website, emails and general meetings.
- Provide a broad and balanced curriculum which challenges students to reach their potential and fulfils the requirements of the national curriculum.
- Negotiate fair codes of conduct and school rules with students that develop respect for others value and celebrate individual achievements.
- Keep parents informed about their child's progress and behaviour, as well as their termly curriculum.
- Welcome parental input and respond to questions or concerns as quickly as possible.
- Allow students safe and secure use of the internet through a combination of site filtering, supervision and by fostering a responsible attitude in all students, in partnership with parents to implement a whole-school approach to online safety.
- Promote good attendance and punctuality.

Name of <u>headteacher</u>	Vicky Tijani
Signed	
Date	

As a parent I will:

- Accept the school's aims, values, policies and procedures to positively support the school.
- Ensure that my child attends school punctually during term time, unless there is a good reason for absence.
- Notify the school by letter or telephone in the event of absence.
- Support the school's policies and guidelines on learning, behaviour, attendance and uniform.
- Support my child with homework that is set and ensure that this is completed on time according to school arrangements.
- Promptly inform the school of any concerns or problems that may affect my child's learning, behaviour or happiness at school.
- Stay informed and up-to-date with the school community by regularly reading notices, newsletters, the school website and emails.
- Support the school in the teaching of safe and secure internet use at home.

- Attend parent meetings with teachers to discuss my child's achievements and progress.
- Inform the school immediately of any changes to my emergency contacts details.

Name of parent	
Signed	
Date	

As a student I will:

- Work hard and listen carefully to instructions.
- Attend school in the correct uniform.
- Attend school regularly and on time.
- Follow the school and class rules.
- Behave in line with the school's Behaviour Policy at all times to maintain the safety of myself and others.
- Be polite, friendly and helpful to other students and adults.
- Tell a member of staff if there is something I am not happy about.
- Bring all the equipment I need to school.
- Take good care of the school environment.
-

Name of student	
Signed	
Date	

Please retain a copy of this agreement and send a signed copy back to the [school office](#). If you have any questions or concerns, please contact the [headteacher](#) on vicky.tijani@brightfuturescare.co.uk or [01744416007](tel:01744416007).

Policy Revision Log

Policy Title: Exclusion Policy

Revision Number	Date of Revision	Nature of Revision
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1.		
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