



Exclusion Policy

Mission Statement

WeST holds a deep-seated belief in education and lifelong learning. Effective collaboration, mutual support and professional challenge will underpin our quest to ensure that all of the children and adults we serve are given every opportunity to fulfil their potential and succeed in life.

This policy adheres to the following statutory guidance from the DfE: ***'Exclusion from maintained schools, academies and pupil referral units in England – Statutory guidance for those with legal responsibilities in relation to exclusion (September 2017)'***. This policy should be used alongside this guidance.

Westcountry Schools' Trust adopted this policy in September 2020.

Westcountry Schools' Trust will review this policy annually.

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1. The power to exclude

Only the Headteacher has the power to exclude a child. However, this authority can be delegated to any of the Deputy Headteachers. Other members of staff such as Heads of Year cannot exclude, though they may provide information to support the Headteacher's or Deputy Headteacher's decision.

2. Reasons for exclusion

All exclusions must be for disciplinary reasons only. The school's Behaviour Policy sets out what the school rules are. Whilst not an exhaustive list, the following incidents are likely to result in an exclusion:

- Swearing at a member of staff
- Violence or aggression (including threats and inciting others to be violent) towards other pupils or staff
- Racism
- Deliberate damage to school property
- Refusal to follow reasonable staff instructions
- Persistent disruptive behaviour
- Possession or use of drugs (legal and illegal) and alcohol
- Theft
- Sexual assault or harassment
- Being in possession of a weapon
- Persistent bullying

3. Standard of proof

The Headteacher's decision to exclude must be taken on the 'balance of probabilities'. That means that it is more likely than not that the pupil did what they are accused of. This is not the same as the 'beyond reasonable doubt' standard required in a criminal case.

4. When exclusion is not allowed

It is unlawful to exclude or to lengthen an exclusion for a non-disciplinary reason. Some examples are below:

- If the exclusion is specifically about a child's special educational needs (however, this does not mean a child with SEND cannot be excluded, if appropriate).
- If a child is not doing well in school or is not as able as other children. A child cannot be excluded because they are not likely to get good exam results.
- Due to something a parent has done. That might be something like making a complaint or not going to a meeting at school.
- Not allowing a child back into school after a fixed period exclusion unless they meet particular conditions. Once the exclusion is ended a child must be allowed to go back. For example, the Headteacher can't extend the exclusion because a child won't admit they are guilty.

5. Off-rolling

The school is aware that off-rolling is unlawful. Ofsted defines off-rolling as, "*the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.*"

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We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

6. Behaviour outside school

Pupils can be excluded for behaviour outside school, but this will be in line with the school's behaviour policy. Commonly this will include behaviour on school trips, behaviour when in uniform, on the way to and from school, and behaviour which may bring the school into disrepute.

7. Having a say

Where practical, a Headteacher will allow a pupil to present their case before deciding whether to exclude. If this hasn't happened, parents can find out their child's version of what happened and send that into school themselves.

8. The Headteacher's duty to inform parents about an exclusion

If a pupil is given a fixed period exclusion, parents must be notified in writing without delay. The letter must state:

1. The reason for the exclusion.
2. The length of the exclusion.
3. The right of parents to put their views in writing to the governing body.
4. For longer exclusions, the parents' right to go to a meeting of the governing body and put their views in person. Parents can ask governors to review an exclusion, but the governors do not have the power to overturn the Headteacher's decision.

If the pupil is of compulsory school age, parents must also be told about their responsibilities to keep them at home during the first five days of the exclusion. This should be covered in the exclusion letter.

9. Keeping a child at home

The first five days

Even though the pupil has been excluded, they still should be receiving education. Schools should take reasonable steps to set and mark work for the first five days of any exclusion.

During these five days, parents are responsible for their child's whereabouts. Parents must make sure they are not in a public place without reasonable justification during school hours. This duty is similar to that on school attendance and parents could be fined if they breach it. The fine is £60 and goes up to £120 if they do not pay within 28 days. Failure to pay within 42 days could lead to prosecution.

Day six and beyond

If a child has been given a longer fixed term exclusion of more than five days, the school, in conjunction with the local authority, has a duty to provide suitable full-time alternative education from day six. That is most likely to take place at an appropriate alternative provision.

If a pupil has a statement of special educational needs, the alternative provision must be able to meet the pupil's needs as set out in the statement/EHCP. The placement must be identified in consultation with parents.

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For looked after children, it is recommended that alternative educational provision start from the first day of an exclusion.

10. Reintegration meetings

There should always be a reintegration meeting when a pupil returns from exclusion. This is likely to be with the Head of Year and another senior member of staff. At this meeting, it is important to look at how home and school can work together to avoid problems in the future.

11. Permanent exclusion

The decision to exclude a pupil permanently is a very serious one. A decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

In addition, a pupil can be permanently excluded for committing a single, serious one-off offence, even if they have no previous history of breaching the school's behaviour policy. Examples that could lead to permanent exclusion are:

- Actual or threatened violence against a member of staff.
- Serious physical assault of a pupil.
- Sexual abuse, harassment or assault.
- Possession of, use of, or supplying (inc. intent to supply) an illegal drug on the school premises, as defined in the Drugs Policy.
- Carrying a weapon.
- Arson.

The School will consider police involvement for any of the above offences. This list is not exhaustive but indicates the severity of such offences and the fact that such behaviour seriously affects the discipline, safety and well-being of the school.

If a child is recommended for permanent exclusion a Governors' Disciplinary Committee (GDC) will be held to hear the case within 15 days from the exclusion and decide whether to uphold the decision or reinstate the pupil. The child and their parents will be invited to attend the hearing to present their case, along with the Headteacher and key personnel. Parents will be written to with clear details about the process and their right to appeal the decision, should they disagree with the GDC's decision.

12. Taking account of individual pupil needs

The trust recognises its legal duties under the Equality Act 2010, and those in respect of safeguarding and supporting pupils with special educational needs. As a Trust, we are keen to ensure that we do not discriminate through the application of our behaviour policy, against pupils whose apparent inappropriate behaviour may be a function of their SEND, racial and/or cultural background.

Therefore, when intervening with apparent inappropriate behaviour all staff must accept that there will be circumstances in which some pupils may be treated differently from others and are expected to take account of those individual pupil needs when applying sanctions.