



## Exclusions Policy

<b>Reviewed by:</b>	Steve Broderick, Principal
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### **Contents**

- Context
- Introduction
- Aims
- Definitions
- Learners with Special Educational Needs
- Rationale
- Two Types of Exclusion
- Roles and Responsibilities
- Appeals
- Re-Admission

### **Appendices**

- A. Links to Statute and Guidance
- B. Reasons for Exclusion
- C. Reflective Think Sheet
- D. Reintegration Meeting Document

## **Context**

This policy is to be implemented in line with the SEND, behaviour, safeguarding, e- safety, anti-bullying, attendance, and other relevant policies.

*This policy is compliant with suspension and permanent exclusion from maintained schools, academies, and pupil referral units in England, including pupil movement, DfE dated July 2022. (See Appendix A).*

## **Introduction**

The Orchard School aspires to be a learning environment in which staff, learners and parents work together for the benefit of all parties.

Our aim is to promote fairness and consideration for others, and we believe that all learners and staff should always be valued and respected, irrespective of their differences in background, abilities, and choices. We believe that The Orchard should offer a happy, safe, and engaging learning environment, and that those with responsibility for creating and maintaining this need the support of appropriate policies and procedures to do so.

Our behaviour policy details a wide range of consequences which may culminate in suspension (exclusion for a fixed period) or permanent exclusion. We believe suspension to be a powerful and important consequence, but one that should be avoided wherever possible, particularly for those learners who are supported by education and health care plans.

## **Aims**

The aims of this policy are:

- to ensure the safety and well-being of all members of our community.
- to maintain an appropriate educational environment in which all can learn and succeed.
- to reduce the need for suspension/exclusion as a sanction.
- to clarify key issues around suspension/exclusion.
- To apply a degree of consistency and fairness wherever possible

## **Definitions**

An exclusion may be one of two types:

- Suspension – a fixed term exclusion (when a learner is excluded from the school for a fixed period).
- Permanent exclusion (where steps are taken to permanently remove the learner from the school).

## **Learners with Special Educational Needs**

The school will take account of any special educational needs when considering whether to exclude a learner. We have a legal duty under the Equality Act 2010 not to discriminate against any learners by excluding them from the school for behaviour relating to SEND/SEMH. The principal will ensure that reasonable steps have been taken by the school to respond to a learner's SEND/SEMH, so the learner is treated fairly. 'Reasonable steps' could include:

- differentiation in the school's behaviour policy.
- developing strategies to prevent the learner's negative actions.
- requesting external help with the learner.
- staff training.

Where reasonable adjustments to policies and practices have been made to accommodate a learner's needs and to avoid the necessity for suspension/exclusion as far as possible, it may be justified if there is a material and substantial reason for it; a specific incident affecting order and discipline in the school may be such a reason.

## **Rationale**

The decision to recommend a learner for a *fixed-term* or *permanent* exclusion will be taken in the following circumstances:

- If behaviour is consistently and repeatedly disruptive, abusive, or threatening to staff or other learners.
- In response to a serious breach of the school's behaviour or other policies.
- If allowing the learner to remain in the school would seriously harm the education or welfare of the learner or others.
- A more extensive list of reasons for exclusion is to be found in Appendix B.

## **Two Types of Exclusion**

### **Suspension – exclusion for a fixed term**

Learners suspended will not be allowed to attend the school or to be in its vicinity for the fixed term of their exclusion.

The school will inform parents immediately by phone call when the decision has been taken to suspend a learner. This will be followed by a letter in which the terms of the suspension are set out, together with the time and date of the reintegration meeting (see below). Parents/carers are also informed that they have a right to make representations to the principal if they wish to challenge the terms of the suspension.

### **Suspension - fixed term exclusion up to 5 days**

The school will take the following actions for suspension up to 5 days:

- The principal must write immediately giving length and reason for exclusion.
- If there is a meeting, parents have the right to attend.
- Parents have the right to make 'written representations' which must be considered even where there is no requirement for a meeting.
- School must take reasonable steps to set and mark work for the first five days of a period of suspension.
- If suspension were to last longer than 5 days, school will look to identify suitable alternate tuition for day 6.

### **Re-Admission Meetings and Restorative Re-integration**

Following a suspension (fixed term exclusion), parents/carers will be invited to attend a return to school meeting. Meetings should be held in person at school, involving all parties. If meetings cannot be held in person at school, other arrangements can be made, such as (but not limited to) virtual meetings via Microsoft Teams or similar, via home visit or phone calls. Due to the often-complex nature of some suspensions, the means of delivery of the meeting is subject to the discretion of the meeting chair.

The re-admission meetings and restorative reintegration meeting will discuss the behaviours which brought about the suspension, school will listen to the learner's explanation and work towards avoiding any further issues. This will be done in partnership with the learner and the parent and will be chaired by the Centre Manager (or nominated deputy).

In line with the graduated approach to support behaviour as outlined in the Behaviour Policy, a re-admission meeting and restorative reintegration would be either a Stage 2 or Stage 3 meeting depending on the reason for suspension.

Prior to the meeting – learners will receive a reflective think sheet (Appendix C) that will need to be completed and brought to the meeting. This sheet will explore the thoughts, feelings and actions that lead the learner to be suspended from school and provide the learner the opportunity to reflect on their actions and the school an opportunity to update any support necessary for the learner.

At the meeting, the learner, parents, and staff will complete a restorative re-integration form, designed to explore the incident(s) that lead to the exclusion (Appendix D). The actions will be agreed by all parties before a successful reintegration can take place.

### **Permanent Exclusion**

We recognise that a permanent exclusion may have a serious impact upon a learner's life chances and will only be sought where there is an immediate threat to the safety of others in the school or to the learner. Permanent exclusion is and always will be a last resort for the school when all other options

have been explored. This will never be a decision taken lightly and parental engagement in this process will be deemed the highest priority to mitigate negative implications.

Before deciding whether to exclude a learner either permanently or suspend for a fixed period the principal will ensure that:

- Appropriate investigations have been carried out.
- The learner has been allowed to give her/his version of events.

Any decision to permanently exclude a learner will be at the highest burden of proof, 'beyond reasonable doubt'. The principal must write immediately explaining that the exclusion is permanent and giving the reason for the exclusion. The principal must inform the local authority. If the learner lives outside the local authority in which the school is located, the principal must also advise the 'home authority' of the exclusion without delay. Parents have the right to make 'written representations' which must be considered.

We will also consider a learner's individual needs in respect of their EHCP.

If at any time a decision is made to permanently exclude a learner, then the school will support alternate placements being found. This may include supporting parents and learners to look around other provisions.

### **Roles and Responsibilities**

Responsibility for exclusion lies with the principal, in consultation with the senior leadership team and relevant staff.

### **Appeals Procedure**

Where parents dispute the decision not to reinstate a permanently excluded learner, they can ask for this decision to be reviewed by an independent review panel.

### ***What is the independent review panel?***

Where parents dispute the decision of the school not to reinstate a permanently excluded learner, they can ask for this decision to be reviewed by an independent review panel. An independent review panel does not have the power to direct the school to reinstate an excluded learner. However, where a panel decides that the school's decision is flawed, it can advise the school to reconsider its decision.

The independent review panel comprises the school advisory panel and an independent third-party Head Teacher or Deputy Head Teacher.

## **Appendix A**

### **DfE Statutory Guidance on Exclusion**

New regulations on suspension and permanent exclusion came into force in September 2022. The Department for Education (DfE) issued new statutory guidance for academies.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1089688/Suspension\\_and\\_Permanent\\_Exclusion\\_guidance\\_July\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089688/Suspension_and_Permanent_Exclusion_guidance_July_2022.pdf)

### **Further useful links**

Departmental Advice on Alternative Provision:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/941900/health\\_needs\\_guidance\\_accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/941900/health_needs_guidance_accessible.pdf)

Departmental Advice on Behaviour and Mental Health:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1069687/Mental\\_health\\_and\\_behaviour\\_in\\_schools.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1069687/Mental_health_and_behaviour_in_schools.pdf)

Children with Special Educational Needs and Disabilities:

<https://www.gov.uk/children-with-special-educational-needs/overview>

Departmental Advice on Attendance:

<https://www.gov.uk/government/publications/school-attendance>

## **Appendix B**

### **Reasons for Suspension or Exclusion**

Exclusion, whether internal, fixed term or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct and are infringements of the school's Behaviour Policy:

- Actions which put the learner or others in danger.
- Verbal abuse of staff and others.
- Verbal abuse of learners.
- Physical abuse of/attack on staff.
- Physical abuse of/attack on learners.
- Indecent behaviour
- Damage to property.
- Misuse of illegal drugs.
- Misuse of other substances.
- Theft.
- Serious actual or threatened violence against another learner or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon.
- Arson.
- Unacceptable behaviour which has previously been reported and for which school consequences and other interventions have not been successful in modifying the learner's behaviour.

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

A permanent exclusion may be considered when:

There are exceptional circumstances, and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a learner for a first or 'one off 'offence. These might include:

- Serious actual or threatened violence against another learner or member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon\*
- Arson

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

*\* Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him." These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and wellbeing of the school.*

Appendix C

# Orchard Reflective Think Sheet

CPoms Incident Number:

Cpoms Incident Date:

What happened? (circle all the correct pictures)



was not following instructions



Talking



wasn't on task



was disrespectful/silly



had a negative attitude



distracted others



wasn't ready/late



made a mess



was dangerous



bullying



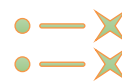
was aggressive



was violent



damaged property



persistent negative



was inappropriate



other

Want to tell us more?

How were you feeling? (circle the correct feelings)



bored / impatient



silly / giddy



angry



frustrated



sad



confused



troubled / a lot on my mind



embarrassed



guilty



tired



anxious



stressed



jealous



hungry



scared



other

What were you thinking?

Who else has been affected?

How might they be feeling? (circle the correct feelings)



bored / impatient



silly / giddy



angry



frustrated



sad



confused



troubled / a lot on my mind



embarrassed



guilty



tired



anxious



stressed



jealous



hungry



scared



other

What could be done differently? How can we repair the damage?





**Appendix D**

**Restorative Reintegration Meeting:**

*“Individually we can make a difference, together we can make a positive change”.*

<b>Name:</b>	<b>Previous fixed term exclusions:</b>	<b>Current fixed term exclusion:</b>
<b>Class:</b>		
<b>Previous actions taken (if applicable)</b> <i>If the child has had previous fixed term exclusions, then what strategies/adaptations have been implemented to prevent a further exclusion?</i>		

<b>What happened?</b> <i>A summary of actions which led to the exclusion and reference to the positive behaviour management policy. Could detail here the impact their actions had on other individuals.</i>	
<b>Learner:</b>	<b>Staff:</b>

<b>How were you feeling at the time?</b> <i>A summary of thoughts of feelings of both staff and learners involved in the incident.</i>	
<b>Learner:</b>	<b>Staff:</b>

<b>Who has been affected?</b> <i>A summary of feelings of both staff and learners involved in the incident.</i>	
<b>Learner:</b>	<b>Staff:</b>

<b>What have we learnt and what can we change?</b> <i>This needs to take account of knowledge each of the parties have gained from the previous sections, so they understand how their actions have affected others. It is an opportunity to identify triggers/hotspots so changes can be made to prevent similar behaviours reoccurring.</i>	
<b>Learner:</b>	<b>Staff:</b>

<b>How can we fix it?</b> <i>The response to this should form part of the learners' emotional support plan and agreed targets, so both learner and staff know how to support achievement of successful outcomes.</i>	
<b>Learner:</b>	<b>Staff:</b>

<b>Parent's view/comments:</b>
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<b>Date of next review meeting (if applicable):</b>
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<b>Is an AAA or a Positive Handling Plan now needed?</b>
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<b>Has the learners Emotional support plan been updated and communicated?</b>
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<b>Signed (Learner)</b>	<b>Signed (Parent/Carer)</b>	<b>Signed (Staff)</b>
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