



Exclusion Policy

This policy was approved and ratified by the People and External Relations
Committee of Cox Green School Governing Body

On 6th June 2017

Version	Authorisation	Approval Date	Effective Date	Next Review
1	Full Governing Body	16/7/13	16/7/13	July 2015
1.2	Full Governing Body	7/7/15	1/9/15	July 2017
1.3	Full Governing Body	1/12/15	1/12/15	July 2017
1.4	Full Governing Body	7/6/16	7/6/16	June 2019
1.5	Peoples and External Relations Committee	6/6/17	6/6/17	June 2020



1. Introduction

Cox Green School is committed to instilling the highest possible social and moral values in all its pupils and has developed pastoral support with a holistic approach by which we endeavour to meet the personal, social, emotional and intellectual needs of every pupil, to ensure that pupil behaviour is conducive to learning.

The Governors of Cox Green School consider that the use of the Headteacher's power to exclude from school can be essential for the purposes of establishing and maintaining good order and discipline. They believe that its use should be reasonable and proportionate.

This policy and procedure document is intended to give a clear indication to staff, parents and students of typical circumstances within which the Headteacher may use the powers to exclude and the procedures that will be followed in exercising them. Governors will rely on this in reviewing the actions of the Head Teacher in excluding students.

It is the policy of Cox Green School to avoid exclusions, fixed term or permanent, whenever possible. The school Behaviour Policy and ladder of sanctions provide guidance and a framework which outline possible sanctions and interventions.

The decision to exclude a student from school for either a fixed term, or permanently is regarded as a last resort, and usually only after a range of these strategies have been undertaken. This includes: contact with family, work or behaviour report, detentions, department or internal exclusion. Parents will be informed of such decisions at all times.

Power to exclude

The Headteacher is the only member of staff within Cox Green School who can exclude a pupil, either permanently or for a fixed-term. In the absence of the Headteacher, the Deputy Headteachers may take this role.

The governing body have to review the Headteacher's decision and consider appeals from parents of excluded pupils. They may direct the reinstatement of an excluded pupil, or uphold an exclusion after a review, but they cannot exclude a pupil themselves.

Types of Exclusion

At Cox Green School, exclusions may be escalated as follows:

- Students may temporarily be excluded from a lesson. In most cases, this may be after the school's positive behaviour procedure has been followed, and a student still refuses to co-operate. In this instance, the student may be removed from the lesson to a partner classroom, or Internal Exclusion Room.
- Fixed Term Exclusions from school. These will usually only be applied once a student has failed to respond to sanctions or for a small number of incidents considered so serious by the school that a one day exclusion is automatic (e.g. swearing at a member of staff).



- In the most serious cases, permanent exclusion from Cox Green School may be the only option left to the Headteacher.

Internal Exclusions

Only the Deputy Headteacher and the Headteacher can agree an internal exclusion. Achievement Leaders and Learning Leaders can request an internal exclusion by completing a Request for Exclusion Form, including through accumulations of other sanctions.

Staff should not threaten a student with exclusion as they have no authority to carry out the threat.

Once the decision to internally exclude the student has been made, the parent should be telephoned and the details of the concern shared by the SAFE Manager. The Internal Exclusion will take place as soon as possible after the incident. Students will complete the exclusion in the Exclusion Room. They will complete work provided by their teacher. Students will be required to be in attendance for a specified time 9am – 4pm. Students completing an internal exclusion will have a different break and lunchtime from the rest of the school.

Hard and fast rules about the type of incident and the number of day's exclusion are generally not advisable because each situation and student requires a personal approach.

Before the student returns to class following an internal exclusion a parental meeting may take place, in which restorative justice will be organised and future actions agreed.

Fixed Term External Exclusions

Exclusions are an extremely serious sanction and should only be considered when other sanctions have been explored.

Only the Headteacher can agree an external exclusion or the Deputy Headteacher in her absence.

The full details of the incident should be shared with the parent on the telephone and an exclusion letter should, if at all possible be sent home by hand with the student on the same day. A copy should also be posted and a copy placed on the student file.

A re-integration interview must be conducted with the parent/carer, student and a member of staff. Ideally the staff will be those involved in the incident, but there may be situations where this is not appropriate. Re-integration interviews are typically carried out in the morning after the last day of exclusion, however there may be occasions where this is not possible. In these circumstances the headteacher, or those staff delegated will decide the best time for the re-integration interview.

The school recognises that removing a student from the school site for disciplinary reasons without following formal exclusions procedures is illegal even with the consent of the parent. If whilst investigating an incident a student needs to be isolated from others they should remain with a SAFE Manager, middle or Senior Leader.

Exclusions will normally be issued for one day. However, in certain circumstances it may be necessary to issue a one off longer exclusion. Hard and fast rules about the type of incident and the number of day's exclusion are generally not advisable because each situation and student requires a personal approach.



There is a limit of 45 school days in a school year for fixed term exclusions.

Permanent exclusions and any fixed term exclusions which result in the pupil being excluded for more than 15 school days (singly or cumulatively) in a full academic term must be reported immediately to the Headteacher who will inform governors and arrange the required Governor's Disciplinary Panel. The Governor's Disciplinary Panel must consider reinstatement of the student if a fixed term exclusion takes them over 15 school days in a term and this must be done within 15 school days of being notified of the exclusion.

Any exclusion that would mean the pupil missing a public exam must also be immediately reported to the Headteacher who will inform governors and arrange the required Governor's Disciplinary Panel.

There are two main reasons for exclusion: a serious breach of Cox Green School's behaviour policy, or a situation where it is feared that the safety and wellbeing, or education, of other pupils is at risk.

Whilst having regard to the circumstances of a particular case, the Headteacher may use fixed term exclusions in the following instances:

- Sustained challenge to the authority of a member of staff
- The use of foul or abusive language to a member of staff
- Bullying, harassment or abuse (including on the grounds of gender, race, ethnicity, age, religion or sexual orientation).
- Persistent defiance of a school rule
- Acts of vandalism or physical violence
- Fighting (self defence and a claim of play fighting will not be accepted as an excuse)
- Using drugs or alcohol and/or smoking within or in close proximity to the school site
- Conduct likely to bring the school into disrepute

This list does not note every offence for which fixed term exclusion may be used but gives an indication of the behaviour where it will be considered.

- Exclusion is a very serious punishment. It will usually be of the shortest possible duration to minimise the disruption to learning that extended absence from lessons results in. It will typically be for 1 day.
- We do not operate a fixed tariff system and each incident will be considered on its merits. Occasionally a longer exclusion will be given if this enables additional support to be secured or to allow a student to complete their schooling.
- During the first five days of a fixed term exclusion, the student is the responsibility of the parent/carer, although the school must ensure that adequate work is set. SAFE Managers through student services will be responsible for the collection of work. It is the parent/carer's responsibility to ensure that the student does not come onto the school site, is in the vicinity of the school-site, or is in a public place during school hours without reasonable justification. Failure to comply with this is fineable, with a fixed penalty notice of £60 being issued, by the Police, LEA or school.
- In exceptional circumstances, for example following a particularly serious incident (that does not merit a permanent exclusion) or for rapidly deteriorating behaviour, a Governors' Discipline Committee meeting will be convened even if five exclusions have not occurred. This may for example be when



disruption to learning is becoming more frequent and / or challenge to school rules and authority more regular.

- For a fixed period exclusion of more than five school days or separate exclusions totalling more than 5 school days, the school must arrange suitable full-time education (typically at another school, PRU, on-site, or online). This provision must begin no later than the sixth day of the exclusion.
- If alternative provision is being arranged then the following information must be given to the parents no later than 48 hours before the provision is due to start:
 - the start date for any provision of full-time education during the exclusion;
 - 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; and
 - any information required by the pupil to identify the person he / she should report to on the first day.
- An exclusion may be extended or made permanent for breaches of the school's behaviour policy where:
 - It was necessary to exclude the student in order to complete the investigation freely. It is essential that if new evidence has come to light the excluded student is given the opportunity to respond to it before the exclusion is extended or made permanent. In such a case the headteacher must write again to the parents explaining the reasons for the change and providing any additional information.
 - If the student has also been reported to the police and the result of that investigation provides additional evidence to the school.

Long Fixed Term Exclusions

Long fixed term exclusions (6 days or over) will generally be used to enable support to be obtained in assessing; moving; or reintegrating a student with severe problems, where the alternative would be permanent exclusion. On rare occasions this type of exclusion may be used when the offence is significant but out of character with the student's record in the school.

On the 6th day of exclusion, the school must provide suitable full-time education, either on or off the school site. Cox Green School rarely excludes a student for this number of days. If a student is excluded for longer the school will make arrangements with another school or alternative curriculum provider for education from the 6th day. The provision may also be in the form of on-line work. However, a decision will be made on a case by case basis, with due regard being paid to the Safeguarding of students and particularly those who are vulnerable.

Whilst an exclusion may be an appropriate sanction, head teachers should make reasonable adjustments and take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.

Reintegration



To ensure successful reintegration of students who have been excluded they will be monitored through the Learning Walk and Reporting systems.

Permanent Exclusion

Permanent Exclusion will be reserved for offences that would have a seriously damaging effect on the life of the school (not necessarily limited to conduct that has taken place during school time or on/near to the school), the well-being of other students or of staff, or seriously and persistently interfere with teaching and learning in the school. The DfE lays out the following criteria for permanent exclusion:

- Serious violence which creates fear and anxiety among staff or students
- Possession of an offensive weapon (e.g. knife, firearm, BB gun, etc.) on or within close proximity the school site
- Dealing in drugs on or within close proximity the school site
- Persistent defiance of school authority or disruption of teaching and learning
- Persistent bullying, harassment or abuse (as above)
- Serious breach or persistent breaches of the school's Behaviour Policy
- Allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

A permanent exclusion is a serious step, and will only be taken when all other alternatives have been explored. However, it is clear that for some students, in some circumstances, this is the only available and appropriate option.

In most cases, a permanent exclusion will be the final step in a process of dealing with disciplinary offences following a wider range of strategies which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort.

There will however, be circumstances where a 'first offence' is so serious that permanent exclusion has to be considered. The school may then also wish to inform the police or other appropriate agency.

The DfE guidance is clear that the school has a statutory duty not to discriminate against students on the grounds of protected characteristics such as disability or race and that we should give particular consideration to the fair treatment of students from groups who are vulnerable to exclusion.

Alternatives to Permanent Exclusion

The school will work actively to avoid permanent exclusion from school. It is very much a last resort and where possible may pursue the following before a permanent exclusion is confirmed:

- A managed move to another local school.
- A placement at an alternative curriculum provider.
- A highly personalised curriculum programme.
- Securing a statement of Special Educational Need/Education and Health Care Plan and possibly a placement at a special school.

Governors Disciplinary Panel – Permanent exclusion hearing

- In the case of a permanent exclusion, the Governors' Disciplinary Committee must review the decision that the Headteacher has taken following representation from the school and parents or



carer. The parent/carer may take a representative to the meeting. The child should attend the meeting. An LA representative will attend if invited by the parent.

- Governors should consider the flow diagram in Appendix A when reviewing the Headteacher's decision to exclude.
- Parents and the LA will be notified of the decision to permanently exclude in writing setting out the reasons for the decision. The Governors notification will also include the notice of parents' rights to ask for the decision to be reviewed by an independent review panel and the date by which an application for a review must be made and to whom. (Within 15 school days from the date of notice in writing).
- In the case of an independent review, parents have the right to require Cox Green School to appoint an SEN expert to attend the review at no cost to parents. Parents may also appoint someone to make written and or oral representations to the panel. Parents may also wish to bring a friend to the review.
- If parents believe that the exclusion has occurred as a result of discrimination, they may wish (within 6 months of the date of the alleged discrimination – day of exclusion) to 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.

Independent Review Panel (IRP)

This must meet within 15 days of receiving a request and will include 3-5 members including a Lay (chair), School Governor and Headteacher (within the last 5 years), SEN expert if requested by the parent, Head and Chair of the disciplinary Committee. Additional evidence can be heard.

When reviewing the Governor's Disciplinary Panel decision the IRP must apply the civil standard of proof, i.e. on the balance of probabilities. The IRP can uphold the decision to permanently exclude or recommend that Governors reconsider or quash the decision and direct that the decision be reconsidered. The IRP does not re-take the decision. It can only over-turn it on limited grounds, namely if the decision falls foul of judicial review principles i.e. it is illegal, irrational, procedurally improper.

If Governors are directed to reconsider the decision to exclude and do not reinstate the student, the IRP will order the school to make a payment of £4000 to the LA towards the cost of alternative provision.

Work for Excluded Students

- Members of staff who teach excluded students will provide work for these students to do at home and make it available as instructed by the Student Services responsible for those students.
- For exclusions beyond 5 days duration, the student will be educated from the sixth day, off the school site at a place determined by the Headteacher.

PROCESS

Investigation



- The investigation will not be undertaken by the person who will decide on exclusion unless circumstances dictate this.
- Witness statements will be recorded, signed and dated.
- Anonymity cannot be promised to a witness however every effort will be made to maintain it if the witness has concerns regarding their safety. The statement will be signed and dated in the normal way but the name will be withheld.
- The person accused of any offence will be given the opportunity to give his/her own side of the story and respond to statements made by others.

Decision

- The decision to exclude will only be taken by the Headteacher or, in her absence, the next most senior member of the Leadership Team. The power to exclude cannot be delegated.
- Reference will be made to Appendix A below by the Headteacher or delegated senior member of the leadership team.
- The decision will be taken on all the evidence available at the time.
- The decision will be taken on the balance of probability, i.e. 'the civil standard of proof', where on the balance of probabilities, it is more likely than not that a fact is true and that the decision-maker should accept that something happened if it is more likely that it happened than that it did not happen.
- To ensure fairness in the case of an offence that is potentially a criminal act, an additional test will be applied; that it was, 'distinctly more probable than not' that the student committed the offence.

N.B. If an exclusion will prevent a student from taking a public examination then the Chair of Governors will be informed immediately so that s/he can review the decision or convene a meeting of the Disciplinary Committee before the examination takes place.

Governors Discipline Committee – 5 exclusions or exclusions for 10 days or more

The Discipline Committee will be convened in accordance with current regulations by the Clerk to Governors

- This will be communicated without delay by student post; and/or letter and telephone message as appropriate: The persons having parental responsibility for the student; The Clerk to Governors.
- It will be clerked and advised by the Clerk to Governors or a person with experience in clerking such meetings.
- The Clerk will ensure that all members of the Committee are reminded of the legal framework for their hearing.
- The conduct of the meeting will be in the hands of the Chair of the Committee, in accordance with the rule of natural justice and having regard to any guidance issued by the Secretary of State.
- The Governors will discuss the case alone with their Clerk after all parties have had the opportunity to state their case and respond to the points put by other parties.
- For hearings related to 5 separate exclusions, if the Discipline Committee agree that there has been a significant and persistent disregard for school discipline then governors will alert the student, and their family, that another similar offence would be likely to lead to a permanent exclusion. In this circumstance, a final warning is given.
- For exclusions of 10 days or more, the Discipline Committee can uphold the exclusion, overturn it but not alter the duration.



- If a fixed term exclusion of 10 days or more is upheld, (or there have been 5 exclusions) governors will alert the student, and their family, that another similar offence would be likely to lead to a permanent exclusion.

Communication of policy

This policy will be published on the school website and the staff intranet "Sharepoint".

Evidence of implementation

The Head will report periodically on the incidence of both fixed term and permanent exclusions to the governors' External Relations and People Group. This group will also use their power to review the operation of this policy in consultation with the Head and the staff, and to recommend any changes to the governing body.

It is recommended that the national guidance related to exclusion is referred to during the exclusion process.

The Peoples and External Relations committee will receive reports on the numbers, types and reasons for exclusions at each meeting.

Review of Policy

This policy shall be reviewed every 3 years by the Peoples and External Relations Committee.

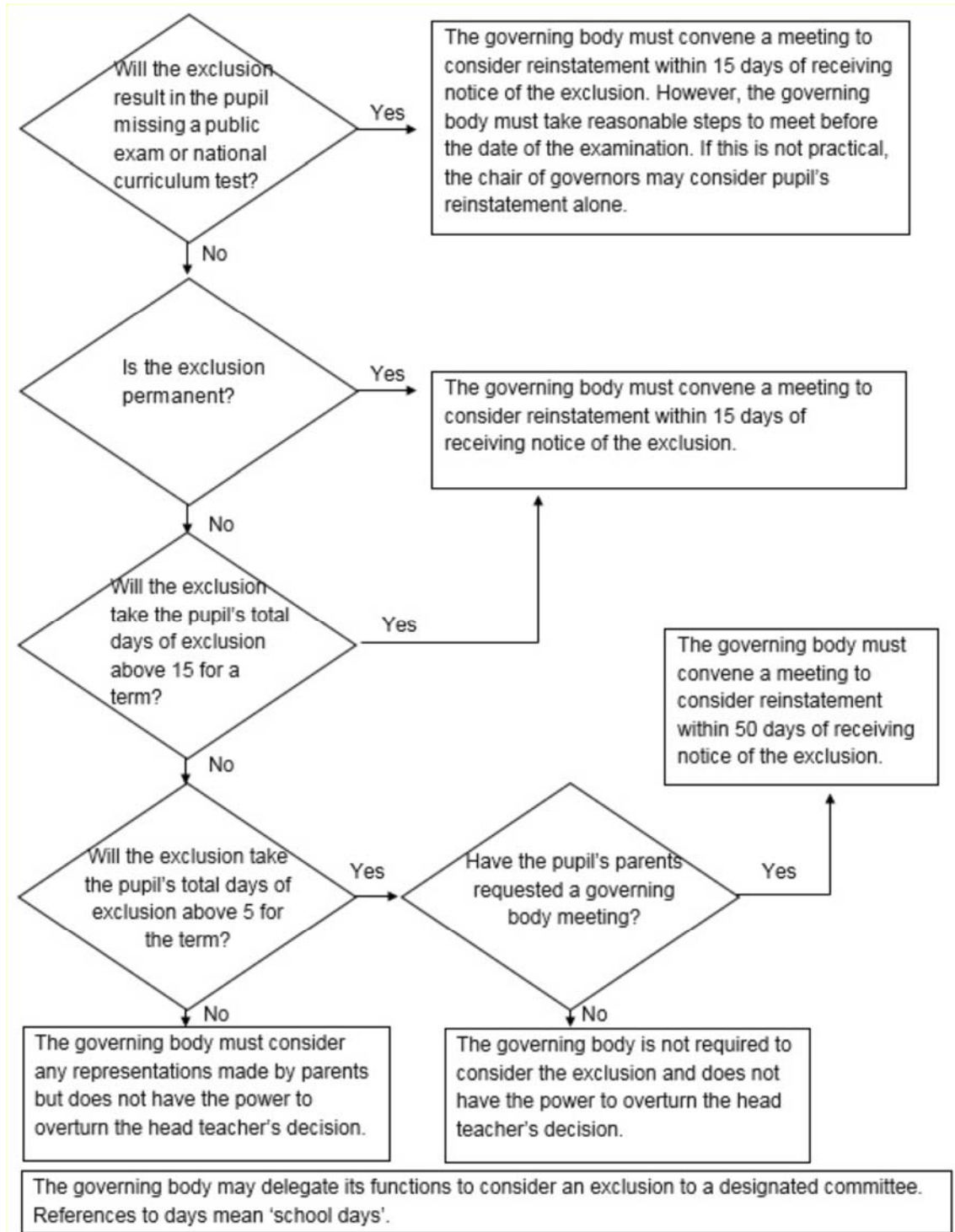
Useful Links

The below link has two annexes that give non-statutory guidance for Head teachers and a guide for parents/carers.

https://consult.education.gov.uk/school-absence-and-exclusions-team/statutory-exclusion-guidance/supporting_documents/Draft%20statutory%20guidance%202017.pdf



Annex A – A summary of the governing body’s duties to review the head teacher’s exclusion decision





Cox Green Internal and External Exclusions Proforma

Name of student	Year and Form	SEN	FSM	Gender	More Able	Ethnicity

Part 1: Evidence Collection

Evidence collected:

Source e.g.: witness statement, photograph	What does the piece of evidence show?	If statement -are statements signed and dated?	Is the evidence attached?

When statements have been taken have these taken in accordance with policy e.g.: in isolation? Students have not been forced to say something?

Yes:		No:		Signed:		Date:	
------	--	-----	--	---------	--	-------	--

Summary of evidence and what it shows:



Part 2: The Recommendation

Recommendation:

The recommendation is for a fixed term (external) / permanent / internal exclusion for the following:

	Please tick
External Exclusion	
Internal Exclusion	
Sustained challenge to the authority of a member of staff	
The use of foul or abusive language to a member of staff	
Bullying, harassment or abuse (including on the grounds of gender, race, ethnicity, age, religion or sexual orientation).	
Persistent defiance of a school rule	
Acts of vandalism or physical violence	
Using drugs or alcohol and/or smoking on the school site	
Conduct likely to bring the school into disrepute	
Other : please state	

The recommendation is made by - add staff member(s) names and role

--

What if any reasonable adjustments have been made?

--



Part 3: Has this decision been upheld by the Head teacher?

Yes:		No:		Signed:		Date:	
------	--	-----	--	---------	--	-------	--

Part 4: Administration of Exclusion

Action	Staff Name	Date and Time
SAFE Team inform parents/carers		
SAFE Team email – tutor, DAL, AL and class teachers of students informing of exclusion. In addition, if the incident was directed towards another member of staff not in the above group, they are copied into email.		
SAFE Team liaise with member of staff who will complete the reintegration meeting and pass on date and time to Student Services for letter.		
SAFE Team collect work and send home.		
Student Services send letter out with the time of the reintegration meeting and the name of the staff member doing it.		
Restorative justice meeting set up by staff member completing the reintegration meeting.		
Exclusion recorded by attendance officer and tracked for school records		



External Exclusion Form

MUST BE COMPLETED BEFORE SUBMITTING TO STUDENT SERVICES TEAM FOR THE LETTER TO BE TYPED

Student Name	DOB:
Year Group:	Tutor Group:
Ethnicity: White	SEN:
Previous Exclusions:	

Length of Exclusion:	
Start Date: am / pm	End Date: am / pm
Reason <u>INCLUDING</u> Code:	
Re-Admission Interview:	
Date:	Time:
Name of LT to re-admit:	
Completed By:	Date:



Exclusions Tab - National Standard list of reasons for exclusions

Source: www.teachernet.gov.uk/wholeschool/behaviour/exclusion/datacollection/annexb/

Code	Description	Includes:
BU	Bullying	Verbal bullying
		Physical bullying
		Homophobic bullying
		Racist bullying
DA	Drug and alcohol related	Possession of illegal drugs
		Inappropriate use of prescribed drugs
		Drug dealing
		Smoking
		Alcohol abuse
DB	Persistent disruptive behaviour	Substance abuse
		Challenging behaviour
		Disobedience
DM	Damage (includes damage to school or personal property belonging to any member of the school community)	Persistent violation of school rules
		Vandalism
		Arson
	Other	Graffiti
		Includes incidents which are not covered by any of the other
PA	Physical assault against adult	Violent behaviour
		Wounding
		Obstruction and jostling
PP	Physical assault against pupil	Fighting
		Violent Behaviour
		Wounding
		Obstructing and jostling
RA	Racist abuse	Racist taunting and harassment
		Derogatory racist statements
		Swearing that can be attributed to racist characteristics
		Racist bullying
		Racist graffiti
SM	Sexual misconduct	Sexual abuse
		Sexual assault
		Sexual harassment
		Lewd behaviour
		Sexual bullying
		Sexual graffiti
TH	Theft	Stealing school property
		Stealing personal property (pupil or adult)
		Stealing from local shops on a school outing
		Selling and dealing in stolen property
VA	Verbal abuse/threat to adult	Threatened violence
		Aggressive behaviour
		Swearing
		Homophobic abuse and harassment
		Verbal intimidation
		Carrying an offensive weapon
VP	Verbal abuse/threat to pupil	Threatened violence
		Aggressive behaviour
		Swearing
		Homophobic abuse and harassment
		Verbal intimidation
		Carrying an offensive weapon