

Exclusion Policy

Mission Statement

Westcountry Schools Trust (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 students and adults we serve are given every opportunity to fulfil their potential and succeed in life.

Person(s) responsible for updating the policy:	Richard Woodland, Director of Inclusion
Date Approved:	July 2023 (for implementation from 1/9/23)
Date of next review:	September 2025
Status:	Guidance

WeST Core Values

WeST holds four core values which underpin the engagement, motivation and retention of employees, no matter what their role in the organisation.

- **Collaboration**
Creating a shared vision and working effectively across boundaries in an equitable and inclusive way to skilfully influence and engage others. Building and securing value from relationships, developing self and others to achieve positive outcomes.
- **Aspiration**
Having high expectations, modelling the delivery of high quality outcomes. Showing passion, persistence and resilience in seeking creative solutions to strive for continuous improvement and excellence.
- **Integrity**
Acting always with the interests of children and young people at our heart, and with a consistent and uncompromising adherence to strong moral and ethical principles. Communicating with transparency and respect, creating a working environment based on trust and honesty.
- **Compassion**
Recognising need in others and acting with positive intention to promote well-being and improve outcomes.

Providing Accessible Formats

If you are unable to use this document and require it in a different format, please contact the Director of Inclusion.

Relevant Legislation and Guidance

This policy should be read alongside the following documents:

- The school behaviour policy
- The school SEND policy
- Latest version of Department for Education (DfE) guidance, "[Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#)"
- DfE guidance, "[Behaviour in Schools](#)" (July 2022)
- DfE guidance, "[A guide for parents on school behaviour and exclusion](#)" (DfE May 2023)
- [SEND Code of Practice](#)

Note on terminology

The following terms are used throughout this policy:

- Parent(s) refers to parents or carers, including the Local Authority for children who are in care¹.
- Suspension refers to what were previously known as fixed-term or fixed-period exclusions.
- Exclusion refers to permanent exclusion

The power to suspend or exclude

Only the Headteacher has the power to suspend or exclude a child. However, decision-making for suspension can be delegated to a named member of the senior leadership team. Other members of staff such as Heads of Year (Secondary) or Class Teachers (Primary) cannot suspend, though they may provide information to support the Headteacher's decision.

In primary schools any suspension of a child with special educational needs should be discussed and agreed between the Headteacher and the Director of Inclusion or a Director of Education. In secondary schools where a pupil is likely to be suspended three or more times in a term² the Headteacher should discuss this with the Director of Inclusion or Director of Education.

WeST recognises that children with special educational needs, or other vulnerabilities, may be disproportionately suspended for demonstrating behaviours that are a manifestation of an unmet need. Careful consideration should be given to alternative means of support for pupils with SEND who are facing accruing suspensions.

Reasons for suspension

All suspensions must be for disciplinary reasons only. Individual school behaviour policies set out what the school's expectations and rules are. Appendix 5 shows the principles by which decisions regarding the consequences of poor behaviour will be considered. It aims to promote alignment across the schools in WeST. However, this is not an exhaustive list and each decision will be made on an individual basis.

Standard of proof

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

When suspension is not allowed

It is unlawful to suspend or to lengthen a suspension for a non-disciplinary reason. Some examples are below:

¹ The definition of a parent can be found in the Education Act 1996, and this applies to the legislation to which this policy relates. In addition to the child's birth parents, references to parents in this policy include any person who has parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (for example, a foster carer) who has care of the child. To reflect this, this policy uses 'parent' to refer to both parents and carers.

² Term in this policy aligns with the DfE exclusions guidance, i.e. three terms per year

- If the suspension is specifically about a child's special educational needs (however, this does not mean a child with SEND cannot be suspended, if appropriate).
- If a child is not doing well in school or is not as able as other children. A child cannot be suspended or excluded because they are not likely to get good results in tests or exams.
- 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 suspension unless they meet particular conditions. Once the suspension is ended a child must be allowed to go back. For example, the Headteacher cannot extend the suspension because a child will not admit they are guilty or refuses to make an apology.

Off-rolling

WeST and its constituent school recognise 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."*

WeST is committed to following all statutory procedures to ensure that every child in a WeST school receives an education in a safe and caring environment.

Behaviour outside school

Pupils can be suspended or permanently excluded for behaviour outside school 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 (including school buses and public transport), and behaviour which may bring the school into disrepute.

Pupil voice

Headteachers should take reasonable steps to ensure that any excluded pupil is enabled and encouraged to participate at all stages of the suspension or permanent exclusion process. They should take the pupil's views into account, considering these in light of their age and understanding, before deciding to suspend or permanently exclude, unless it would not be appropriate to do so.³ WeST recognises that there may be occasions when a decision has to be made before a child is able to give a full and reasoned account of their actions, e.g. where a pupil has become dysregulated. Where such a decision is made parents can find out their child's version of what happened and communicate this to school themselves.

The Headteacher's duty to inform parents about a suspension

If a pupil is given a suspension, parents must be notified in writing without delay in line with the DfE guidance⁴. WeST schools will use the templates provided by the relevant local authority.

Parents should also be informed of their right to make representation about a suspension or permanent exclusion to those in governance. In WeST schools the Trustees have delegated the oversight of suspensions and permanent exclusions to members of the Hub Advisory Boards. Those members will be supported by the Director of Inclusion.

Keeping a child at home

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 suspension or permanent exclusion. This should be covered in the exclusion letter.

³ DfE Exclusion Guidance, page 9 and para 4

⁴ DfE Exclusion Guidance, para 62-75

The first five days

Even though the pupil has been suspended they still should be receiving education. The school will take reasonable steps to set work for the first five days of any suspension or permanent 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 like that on school attendance and parents could be fined if they breach it.

Day six and beyond

If a child has been given a longer suspension of more than five days the school⁵, 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 with special educational needs has an Education and Health Care Plan (EHCP) the alternative provision must be able to meet the pupil's needs as set out in the EHCP. The placement must be identified in consultation with parents.

For looked after children, it is recommended that alternative educational provision start from the first day of a suspension lasting more than 5 days.

Re-integration meetings

There should always be a re-integration meeting when a pupil returns from a suspension. Every effort should be made to ensure that the parent(s) are able to attend this meeting. At this meeting, it is important to look at how home and school can work together to avoid problems in the future. Appendix 6 contains guidance on the format of such a meeting. A written record of the meeting should be kept. Where the parent(s) are unable to attend the meeting, they should be informed in writing of the outcome of the meeting.

Consideration should be given prior to the re-integration meeting whether an individual risk assessment is required to ensure the ongoing safety of the pupil and other members of the school community. Where this is deemed necessary the risk assessment/safety plan, including mitigating actions, should be agreed at the re-integration meeting.

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.⁶

Pupils may be permanently excluded for the following reasons⁷:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment

⁵ Full details of the law regarding the length for which a pupil can be suspended are set out in the [DfE Exclusion Guidance](#)

⁶ [DfE Exclusions guidance](#) para 11

⁷ [DfE Exclusions guidance](#) para 15

- Abuse relating to disability

Further examples that could lead to permanent exclusion are set out in Appendix 7. Neither list is exhaustive but indicates the severity of such incidents and the fact that such behaviour seriously affects the discipline, safety and well-being of the school.

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. Each decision around a permanent exclusion needs to be made with careful consideration of the circumstances involved, including any additional needs of the pupil. Headteachers should seek support from the Director of Inclusion and Director of Education when considering a permanent exclusion.

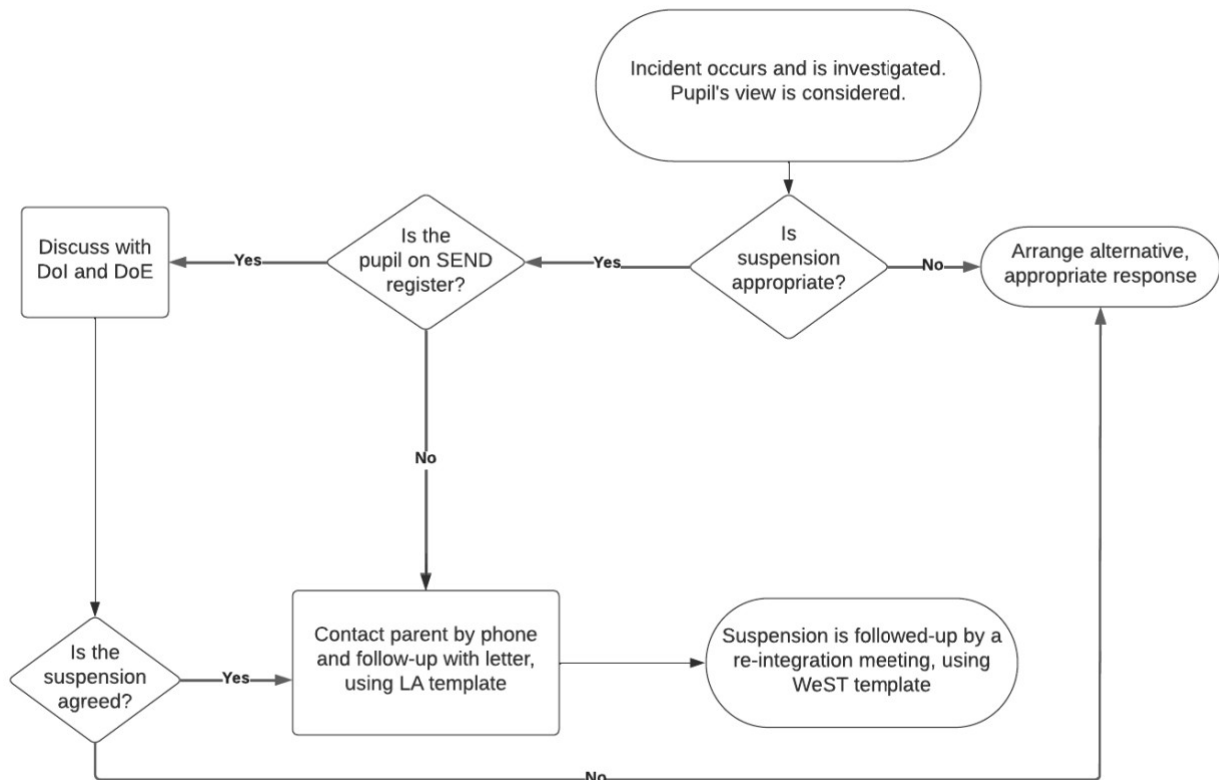
If a child is recommended for permanent exclusion a Governance Disciplinary Committee (GDC) will be held within 15 school days to hear the case and decide whether to uphold the Headteacher's decision or to re-instate the pupil. The panel will most likely consist of three Hub Advisory Board members but could also include Trustees if HAB members are not available. The child and their parents will be invited to attend the hearing to present their case, along with the Headteacher and key personnel. Local authority inclusion officers and the WeST Director of Inclusion may also be invited. 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.

Taking account of individual pupil needs

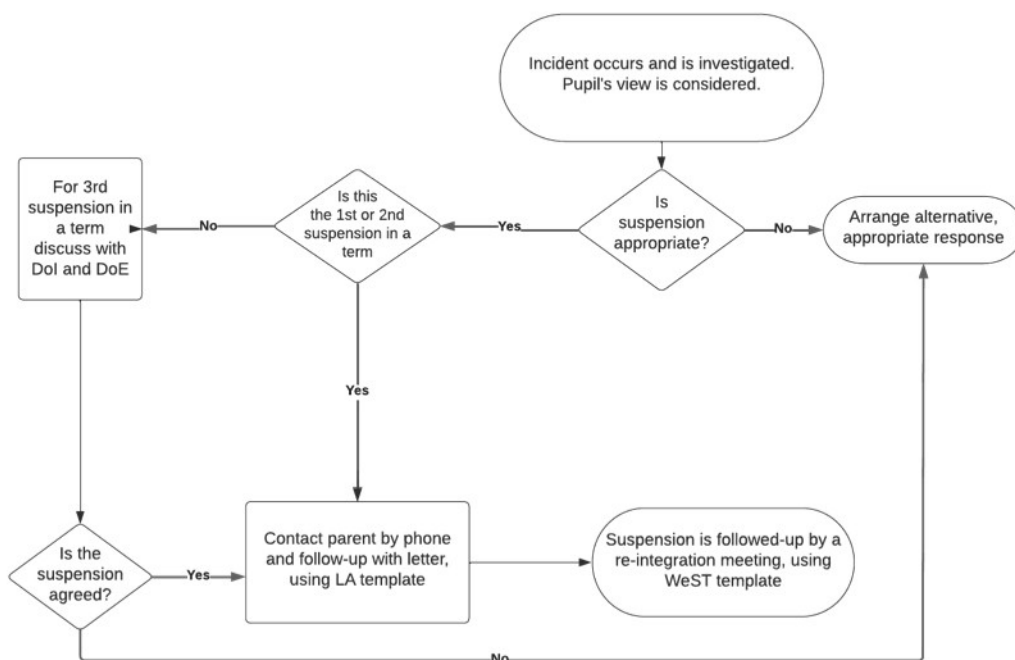
WeST recognises its legal duties under the Equality Act 2010, and those in respect of safeguarding and supporting pupils with special educational needs. As a trust, we are keen to ensure that we do not discriminate through the application of our school behaviour policies, against pupils whose apparent inappropriate behaviour may be a function of SEND needs or other protected characteristics.

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 consequences, including suspension or permanent exclusion.

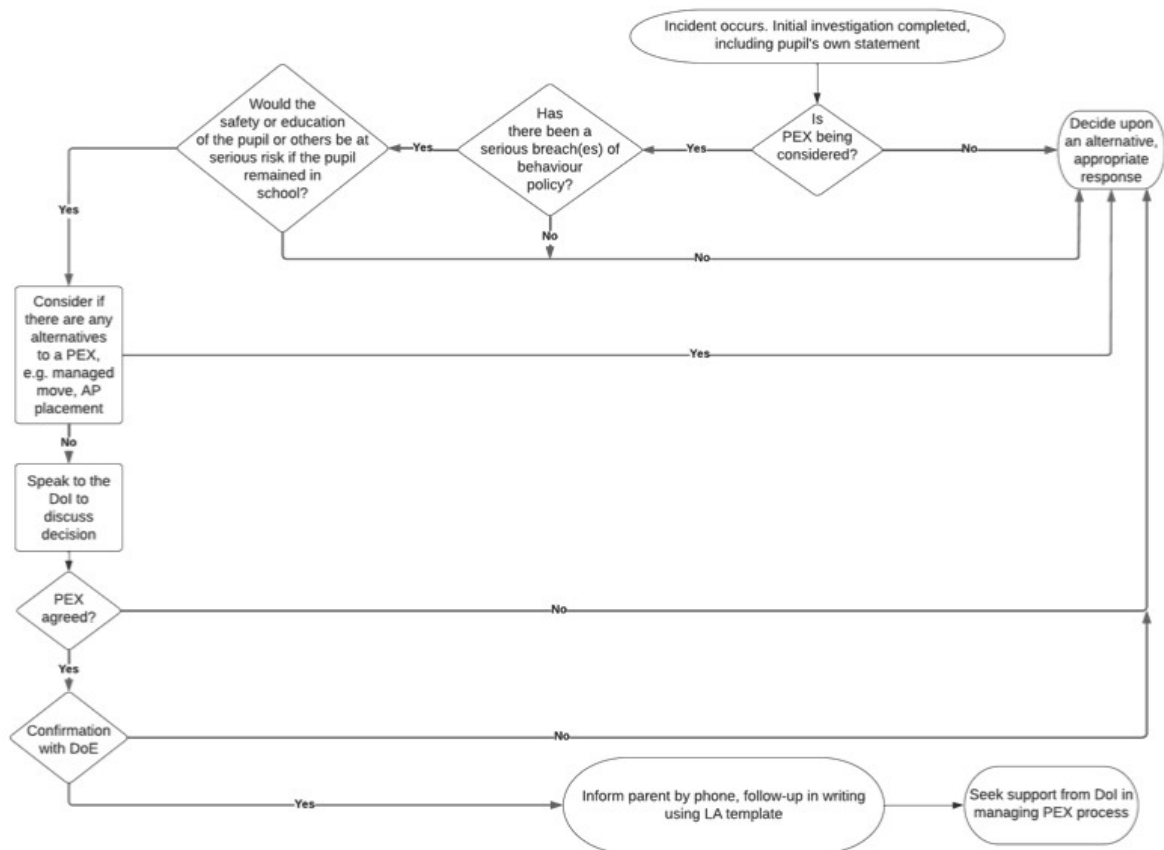
Appendix 1 – Suspension Decision-making Flow Chart (Primary)



Appendix 2 – Suspension Decision-making Flow Chart (Secondary)



Appendix 3 – Permanent Exclusion Decision-making Flow Chart



Appendix 4 – Primary Suspension and Exclusion Guide

Pupil Name:					Attendance (YTD):		
Year:					LAC / PLAC / CP / CP / EH?		
Class Teacher:					Disadvantaged?		
SEND?					EAL?		
Overview of SEND Needs:							
Phonics or Reading Score & interventions:							
Previous Behaviour: (last 12 months)	Written Summary:				No. of suspensions:		No. of days suspended:
Type of Incident:	OW - Use or threat of use of an offensive weapon or prohibited item		LG - Abuse against sexual orientation and gender identity				
	DS - Abuse relating to disability		MT - Inappropriate use of social media or online technology				
	VA - Verbal abuse / threatening behaviour against an adult		BU - Bullying (consider 'STOP' - Several Times On Purpose)				
	RA - Racist abuse		SM - Sexual misconduct				
	PH - Wilful and repeated transgression or progressive measures in place for public health and safety		PP - Physical assault against pupil				
	PA – Physical assault against adult		VP – verbal abuse / threatening behaviour against pupil				
	DA – Drug or alcohol related		DM – Damage to property				
	TH – Theft		DB – Persistent or general disruptive behaviour				
Summary of Incident:							
	Written statement from pupil?		Written statement from staff?		Written statements from pupil witnesses?		
Decision:	Suspension		No. of Days		Permanent Exclusion		
Rationale for decision:							
Checklist against WeST exclusion policy and DfE Guidance:					Y/N/NA	Date/Time and method of agreement	
Is this the first suspension of a pupil with SEND?							
If so, has the WeST Behaviour Lead Practitioner agreed with the decision?							
Is this a second (or greater) suspension of a pupil with SEND?							
If so, has the WeST DoI and relevant DoE agreed with the decision?							
Is this a permanent exclusion?							
If so, has the WeST DoI and relevant DoE agreed with the decision?							
Will this suspension take the number of school days missed to more than 15 in a term? (If so, a Governance Disciplinary Committee must be arranged)							
Re-integration Meeting	Date:		Time:		Location:		
	Persons to be invited:						

Appendix 5 – Secondary External Reflection, Suspension and Permanent Exclusion Guide

Pupil Name:					Attendance (YTD):				
Year:					LAC / PLAC / CP / CP / EH?				
Head of Year:					Disadvantaged?				
SEND?					EAL?				
Overview of SEND Needs:									
NGRT Score and interventions:									
Previous Behaviour: (last 12 months)	No. of internal reflections:		No. of external reflections:		No. of suspensions:		No. of days suspended:		
Type of Incident:	OW - Use or threat of use of an offensive weapon or prohibited item				LG - Abuse against sexual orientation and gender identity				
	DS - Abuse relating to disability				MT - Inappropriate use of social media or online technology				
	VA - Verbal abuse / threatening behaviour against an adult				BU - Bullying (consider 'STOP' - Several Times On Purpose)				
	RA - Racist abuse				SM - Sexual misconduct				
	PH - Wilful and repeated transgression or progressive measures in place for public health and safety				PP - Physical assault against pupil				
	PA – Physical assault against adult				VP – verbal abuse / threatening behaviour against pupil				
	DA – Drug or alcohol related				DM – Damage to property				
	TH – Theft				DB – Persistent or general disruptive behaviour				
Summary of Incident:									
	Written statement from pupil?		Written statement from staff?		Written statements from pupil witnesses?				
Decision:	External Reflection:		Suspension:		No. of Days:		Permanent Exc:		
Rationale for decision:									
Checklist against WeST exclusion policy:					Y/N/NA	Date/Time and method of agreement:			
Is this a third suspension of the pupil within a term?									
If so, has the decision been discussed with either WeST DoI or DoE?									
Is this a permanent exclusion?									
If so, has the WeST DoI and relevant DoE agreed with the decision?									
Will this suspension take the number of school days missed to more than 15 in a term? (If so, a Governance Disciplinary Committee must be arranged)									
Re-integration Meeting	Date:		Time:		Location:				
	Persons to be invited:								

Appendix 6 - WeST Re-integration Meeting Guide

Overall Aim:

Provide clarity of expectations and agree on the actions (positive) that need to be taken and the positive results we can expect.

Before the meeting

1. Early parent and pupil notification /agreement
2. Notify in advance the SLT/ HoY/ behaviour team required to attend
3. Prepare the paperwork for referral in the meeting
 - a) Re-integration proforma to record the meeting
 - b) Copy of the letter sent to parents highlighting reason for exclusion
 - c) Home/ college agreement – (which aspects were broken and needs revisiting)
 - d) Review of ABC data – Attendance / Behaviour / Care (SEND/ PP/ LAC etc.)
 - e) Decided on the key focus /outcome required

On the day of the meeting

- At the start of the day - confirmation phone call to parents

3 R's meeting:

Re-connect (*Understand before being understood*)

- On arrival meet and greet using a **SOFTEN approach**
(*Smile, Open Body Language, Forward lean, Touch – e.g. shake hands, eye contact and Nodding*)
- **Transpose** – see the situation from their eyes
- **Be open but remain assertive** - you drive the meeting and take conscious control of the entire process
- Demonstrate **clarity of purpose** throughout the meeting
- Ensure a 80/20 pupil to teacher talk when going over the situation
- Make notes using the proforma and seek clarification whenever possible.

What happened? (*Gaining clarity about the sanction, distinguishing between fact and opinion*)

- Tell me how you see this situation now you have had time to reflect?
- What were you thinking at the time?
- What were you feeling at the time?
- Who do you feel was harmed and why?
- Why do you think that happened?

Repair (*'Finding the middle ground'*)

- What behaviours do both parties agree the pupil needs to change moving forward?
- What behaviours does the pupil feel need show us next time?
- Were there any learning points from completing suspension work?

Restore (*'Engage in mutual problem solving'*)

- Now agree on how the pupil plans to improve their behaviour
- Together agree on an achievable goal and the steps that need to be taken by the pupil/ the parents and the school to achieve this behavioural goal.
- Create clear expectation/s to live up to (*how will it look, hear, feel?*)
- How committed are you to making this goal happen? (*Scale 1-10. For anything lower than 8 ask follow up questions*)
- What help would the pupil need to make this a sustainable change?
- What could the parents do to help?

Record of Re-integration Meeting	
Date	
Pupil:	
Present:	
Stages	Notes
Introductions and stated aims of the meeting	- To reflect on the impact of the incident on everybody involved - To understand why college has sanctioned in this way - To ensure this type of incident does not happen again agree on actions to support this
Re-connect 'What happened?' Distinguish between fact and opinion	
Repair 'Finding the middle ground' Review work completed during external reflection or suspension	
Restore	
Pupil's action points What can be done to ensure this incident is not repeated?	
Parent's action points What can be done at home to help support the conduct in school?	
School action points What support can the school take to ensure the incident will not happen again?	
Signed by	
Pupil:	
Parent(s):	
Staff:	

Version Date	Changes
January 2022	Policy re-written: • to reflect changes to WeST governance model (Hub Advisory Boards) • Guide Headteachers about levels of consequence to consider for each DfE categorisation of suspension and exclusion(Appendix 7)
September 2023	References and links changed to <u>DfE Exclusion Guidance</u> (Sept 2023) Reference made to <u>DfE Guide for Parents on school behaviour and exclusion</u>