



# Wadebridge School

## Exclusion Policy

Wadebridge School is committed to being a fully accessible and inclusive organisation welcoming and respecting the diversity of its students, staff, community and visitors to the school.

### Rationale

This policy is underpinned by the commitment of all at Wadebridge School to ensure the safety and well-being of the whole school community and to maintain an appropriate educational environment in which all can learn and achieve to their full potential. This policy applies in school, when students are travelling to and from school, when students are in uniform and on educational visits.

### Introduction

The decision to exclude a student will be taken by the Headteacher<sup>1</sup> in the following circumstances:

- In response to a serious breach, or persistent breaches, of the school's Behaviour for Learning Policy; and
- If allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

Exclusion is an extreme sanction and is only used by the Headteacher. Permanent exclusion will only be used as a last resort.

Examples of infringements of the School's Behaviour for Learning Policy which may result in fixed term or permanent exclusion include (but are not limited to):

- Verbal abuse/swearing directed at a member of staff;
- Physical abuse to/attack on staff;
- Physical abuse to/attack on students;
- Bullying of another student (as defined in the school's Anti-Bullying Policy);
- Inappropriate use of social media inside or outside of school, either with the intent of causing harm to another person within the school community or to bring the school into disrepute;
- Indecent behaviour;
- Damage to property;
- Bringing drugs onto the school site and/or misuse of illegal drugs or other substances including supplying on the school site or on the way to/from the school site;
- Theft;
- Serious actual or threatened violence against another student or a member of staff;
- Intimidation of another student or a member of staff;
- Sexual abuse or assault;
- Possession of an offensive weapon, replica weapon or article deemed to be offensive or dangerous;

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<sup>1</sup> 'Headteacher' includes any senior member of staff acting as Headteacher by virtue of section 579 (1) of the Education Act 1996.

- Actual/IMPLIED threatening behaviour towards a member of staff or a student with an offensive weapon, including on the way to/from school site;
- Arson;
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the student's behaviour;
- Refusal to follow the reasonable instructions of a member of staff.

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

### **Factors considered before determining to exclude**

Before deciding whether to exclude a student either permanently or for a fixed period the Headteacher will:

- Ensure appropriate investigations have been carried out and consider all evidence available at the time;
- Where practical, give the student an opportunity to present their case before taking the decision to exclude;
- Establish the facts on the balance of probabilities (i.e. it is more likely than not that a fact is true);
- Ensure that their decision is made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and the school's wider legal duties, including the European Convention of Human Rights), rational, reasonable, fair and proportionate;
- Take account of:
  - their legal duty of care;
  - their statutory duties in relation to special educational needs (SEN);
  - any contributing factors that are identified after an incident of poor behaviour has occurred e.g. a student has recently suffered bereavement, has mental health issues or has been subject to bullying which might explain their behaviour;
  - the relevant school's policies, including Behaviour for Learning Policy, SEN, drugs and Equality;
  - possible suitable alternatives to exclusion.

The school will also take into account and have due regard to the Equality Act 2010 in carrying out its functions in relation to exclusions and will ensure equality between students who share a protected characteristic and those who do not share it. The school will not discriminate against students because of their: sex race, disability, religion or belief, sexual orientation, because of pregnancy/maternity, or because of gender reassignment.

In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider the gravity of the incident, or series of incidents, whether it/they constitute(s) a serious breach of the School's Behaviour for Learning Policy and the effect that the student remaining in the school would have on the education and welfare of other students and staff.

### **Alternatives to exclusion**

#### Lunchtime Exclusion

Students whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. This would be recorded as a half day exclusion on the student's record.

### Internal exclusion

In some situations the school will consider issuing an internal exclusion where students will follow an alternative school day from 8.45am until 4.30pm or experience an alternative curriculum at the discretion of a senior member of staff.

### Governor Behaviour Meeting

Where a student repeatedly fails to meet the expectations of the Behaviour for Learning Policy, consideration will be given to holding a Governors Behaviour Meeting. The meeting will be attended by the student, parent/carer, senior member of staff and at least one governor. The meeting will provide the opportunity for the school to share concerns and allow the governor(s) to agree behaviour targets with the student and parent/carer. Targets agreed, monitoring deadlines and support provision will be confirmed in writing. Exclusion may be considered where the student fails to meet the expectations agreed in the Governors Behaviour Meeting.

### Managed moves

The school works closely with other local secondary schools to undertake managed moves where such a course of action would be of benefit both to the student and the two schools concerned. A manage move may be appropriate when a student has exhausted the many and varied support strategies available within Wadebridge School and permanent exclusion could be avoided by arranging a managed move to another school. This alternative is at the discretion of the Headteacher.

### **Exclusion procedure**

- Most exclusions are of a fixed term nature and are of short duration (usually between one and five days).
- The DfE regulations<sup>2</sup> allow the Headteacher to exclude a student for one or more fixed periods (not exceeding 45 school days in a single academic year), or permanently.
- In the event of an exclusion being issued, the Headteacher or a member of senior staff will attempt telephone contact with the parents/carers to inform them of the exclusion without delay. The reasons for the exclusion will be provided and a date for a re-integration meeting (if applicable) will be agreed. A record of contact/attempted contact will be maintained including times and response of parents/carers.
- Whether or not telephone contact has been made, a letter will be sent home confirming: the reasons for the exclusion; the period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent; that parents/carers are legally required to ensure that their child is not present in a public place during school hours without reasonable justification; and details of any alternative provision being arranged (if applicable). The letter will also confirm the parents/carers' right to make representations about the exclusion to the governing body.
- Where it is not possible, or appropriate, to arrange alternative provision during the first five school days of an exclusion, the school will take reasonable steps to set and mark work for students. Work that is provided will be accessible and achievable by students outside of school.
- During the course of an exclusion where the student is to be at home, the student is not permitted to enter the school premises, and daytime supervision of students is the responsibility of the student's parents/carers. Under current legislation, parents/carers are obliged to take responsibility for their child if s/he is excluded and ensure that they are not in a public place without good reason during school hours within the first five school days of any exclusion. If they do not, the school or local authority (LA) may issue a penalty notice<sup>3</sup>

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<sup>2</sup> DfE (2012) Guidance on Exclusion from maintained schools, academies and student referral units in England

<sup>3</sup> Section 103 and 105 of the Education and Inspections Act 2006 and the Education (Penalty Notices) (England) Regulations 2007 (S.I 2007/1867)

(The current penalty is £60 if paid within 21 days of receipt rising to £120 if paid after 21 days but within 28 days).

### **Fixed term exclusions over five days**

DfE and local authority (LA) guidance states that the school is obliged to provide full time education from the sixth day of any period of fixed term exclusion of six days or longer. The school will liaise with LA officers and North Cornwall Alternative Provision Academy for any exclusion of more than five days in order that alternative education and transport is arranged. Alternative provision does not have to be arranged by either the school or LA for students in the final year of compulsory education who do not have any further public examinations to sit.

If the fixed term exclusion is greater than five days or an accumulation of exclusions exceed five days, a Pastoral Support Plan may be drawn up. This will be agreed with the school, student, parents/carers and any agencies involved.

### **Reintegration after fixed term exclusion**

- At Wadebridge School we believe that the consequences of poor behaviour should be transparent to parents and students. In order to facilitate such transparency we operate a 'Stages of Exclusion' protocol, within which there are three stages, where Stage 3 may be the final stage before permanent exclusion.
- Following any fixed term exclusion, a student will either be placed on Stage 1 of the protocol or will have their current stage reviewed and that stage may be increased. The 'Stages of Exclusion' for each student are reviewed a minimum of once each term and dependent on a student's behaviour the 'Stage of Exclusion' will be reduced, increased or remain the same.
- Following a fixed term exclusion, a 're-integration' meeting will be held and this will involve the student, parent/carer, a member of senior staff and other staff where appropriate. Following any fixed term exclusion there will be a minimum of one day of internal isolation served; this practice serves to reinforce the seriousness of fixed term exclusion and allows the space for any restorative meetings to take place.
- It is school practice to monitor behaviour and work of the student very closely for the period following exclusion. This may mean the use of a report or close support of staff.

### **Permanent Exclusion**

The decision to exclude a student permanently is a very serious one. There are two main types of situation in which permanent exclusion may be considered.

#### *1. In response to persistent breaches of the school's Behaviour for Learning Policy*

In this case, permanent exclusion is a final, formal step in a concerted process for dealing with repeated disciplinary issues. It is an acknowledgement that a wide range of strategies have been used without success and allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school. An example of when this might apply is persistent and defiant misbehaviour including bullying.

#### *2. In response to a serious breach of the school's Behaviour for Learning Policy*

In this case, the Headteacher determines that the breach of the policy is so serious that it would not be appropriate to implement other strategies. Examples of when this might apply include (but are not limited to):

- Serious actual or threatened violence against another student or a member of staff;
- Sexual abuse or assault;
- Drug/alcohol related offences;

- Carrying an offensive weapon<sup>4</sup>;
- Arson;
- Deliberate damage to school site/property;
- The use of social media sites that cause offence to the school or any of its members, past or present;
- Or any of the other examples as identified on page 1 of this policy.

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously harms the education or welfare of the student or others in the school.

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

### **Reviewing an exclusion (see Appendix 1)**

The governing body will automatically consider the reinstatement of an excluded student within 15 school days of the exclusion if:

- the exclusion is permanent
- it is a fixed period exclusion which would bring the student's total number of school days of exclusion to more than 15 in a term, or
- it would result in a student missing a public examination or national curriculum test

If requested to do so by the student's parents/carers, the governing body must consider reinstatement within 50 school days of the exclusion if the student is excluded for more than 5 school days, but not more than 15, in a single term. In the case of a fixed period exclusion which does not bring the student's total number of days of exclusion to more than 5 in a term, the governing body must consider any representations made by parents/carers, but it cannot direct reinstatement and is not required to arrange a meeting with parents/carers.

It shall be the responsibility of the Clerk to the Governors to convene a governing body review panel.

#### Members of the governing body review panel

The governing body review panel shall be made up of three governors who have not had any prior involvement in the matter. The Clerk shall appoint one of these members to be the Chair of the governing body review panel.

#### Parties attending governing body review hearing

The parents/carers of the student and the Headteacher shall be invited to the review and allowed to make representations. Parents/carers may be accompanied to the meeting by a friend, relative, advocate or interpreter.

Where possible, the excluded student shall be enabled and encouraged to attend the meeting and speak on his/her own behalf, taking into account the student's age and understanding. Where this is not appropriate, the excluded student will be given the opportunity to feed in his/her views by other means such as setting their views out in writing.

The governing body review panel is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account. Should either party wish to bring witnesses to the hearing, the names of these witnesses shall be provided to the Clerk at least 7 school days before the hearing. The party calling the witness is responsible for informing the witness of the time, date and location of the hearing.

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<sup>4</sup> 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."

Where a student under the age of 18 is invited to be a witness, the party seeking to bring the witness should first seek the consent of that student's parents and confirm to the Clerk that consent has been given. The Clerk should ensure that the parents are invited to accompany their child to the hearing.

Every effort will be made to arrange the meeting for a time and date that is convenient to all parties but in compliance with the relevant statutory time limits.

The Clerk is responsible for ensuring that reasonable adjustments are made where needed to support the attendance and contribution of all parties at the meeting (for example where a parent or student has a disability in relation to mobility or communication that impacts upon their ability to attend the meeting or to make representations).

#### Information to be provided in advance

As soon as reasonably practicable and in any event at least 10 school days before the hearing, the Headteacher and parents of the excluded student shall be sent written notification of the date, time and place of the hearing, together with brief details of the governing body review panel members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the panel.

The Headteacher and the parents of the excluded student should provide to the Clerk the names of all witnesses and copies of all documents, written evidence or information which they wish the Panel to consider at least 7 school days before the hearing. The Panel reserves the right not to consider any documentation presented by either party less than 7 school days prior to the hearing. This information and copies of these documents shall be provided to the other party at least 5 school days before the hearing.

#### Conduct of the hearing

The Clerk shall ensure that clear minutes are taken of the hearing as a record of the evidence that was considered by the governing body review panel. Copies of these minutes shall be made available to all parties on request.

The hearing will be conducted in such a way as to ensure that all those present have the opportunity to present their case, ask questions and make comments in an appropriate manner. The meeting will allow for:

- The Headteacher to explain the reasons for the exclusion and the parents to set out their response;
- The opportunity for both parties to ask questions of each other about the exclusion;
- Panel members to have an opportunity to question both the Headteacher and the parents;
- Any party to call witnesses (subject to the prior approval of the Panel) and all parties having the right to question any witnesses;
- Final statements by both the Headteacher and the parents.

When establishing the facts in relation to an exclusion decision the governing body review panel must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true rather than the criminal standard of 'beyond reasonable doubt'.

The governing body review panel will consider:

- whether the Headteacher's decision to exclude the student was lawful, reasonable and procedurally fair, taking account of the Headteacher's legal duties;
- the interests and circumstances of the excluded student, including the circumstances in which the student was excluded; and
- the interests of other students and people working at the school.

After the hearing, the governing body review panel will consider their decision and inform all parties of their decision in writing without delay and within at least 5 school days. The Panel can (by a majority if necessary):

- uphold the exclusions; or
- direct reinstatement of the student immediately or on a particular date

The Panel will ensure that the reasons for their decision are set out in sufficient detail to enable all parties to understand why the decision was made. The letter to the parents will also include the prescribed information as set out in the DfE guidance, including the parents' right to have the matter heard by an independent review panel where a permanent exclusion has been upheld.

### **Further review following permanent exclusion**

Where the parents/carers (or the excluded student, if aged 18 or over) dispute the decision of the governing body not to reinstate a permanently excluded student, 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 that the governing body reinstate the excluded student. However, where the panel decides that the governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing body to reconsider its decision. If the governing body does not subsequently offer to reinstate the student, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.

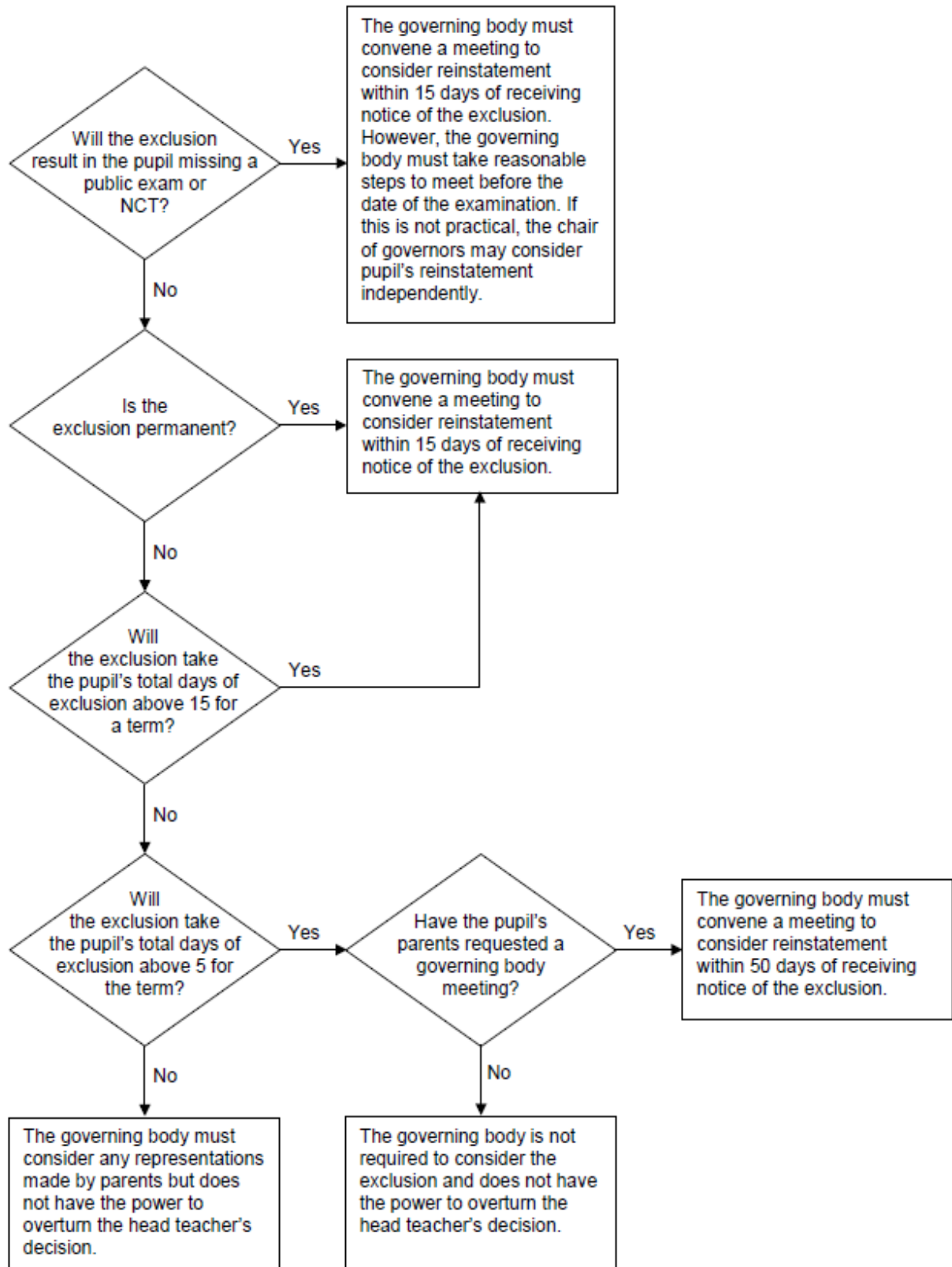
Whether or not the school recognises that a student has special educational needs (SEN), all parents/carers have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the student.

Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court (for other forms of discrimination).

Policy written by Mr L Bateman – June 2015 Date Approved by Governors – July 2015 Next Review – July 2016
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APPENDIX 1

CIRCUMSTANCES WHEN THE GOVERNING BODY WILL REVIEW EXCLUSION



The governing body may delegate its functions to consider an exclusion to a designated sub-committee. References to days mean 'school days'.