



The Cowplain School

Work Hard. Enjoy Learning. Achieve Highly.

Exclusion Policy

This policy summarises the document 'Exclusion from maintained schools, Academies and pupil referral units in England DFE, 2017,' which details legislation contained in The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012. The school will follow the guidance contained in this document for all exclusions and related appeals processes.

Approved: Spring 2022

Review date: Spring 2024

1 Rationale

The Cowplain School is committed to the entitlement of all students to an inclusive education. The Cowplain School also has the highest concern for the safety and wellbeing of the whole school community, and we work hard to ensure that our ethos and environment supports student learning and success. Exclusion is a sanction used only as a last resort, and we aim to reduce the need for the use of it as far as is possible. This policy outlines the school's use of exclusions and is supported by, and should be read in conjunction with, our **school behaviour policy**, available on the school website.

1.2 Objectives

- To create a school community in which students accept responsibility for the choices that they make with regard to their behaviour.
- To help students understand their rights and also their responsibility to others and that there are consequences if they choose to behave in an unacceptable manner.
- To ensure a fair and equitable enforcement of the School's Exclusion Policy.
- To ensure that the School's Policy is in line with recognised good practice.
- To ensure the decision to exclude is accompanied by consideration to:
 - Students' access to his/her learning.
 - Preventative work during the period of exclusion.
 - Alternative provision, 6 days or longer.
 - Liaison with the Local Authority (LA), in the case of permanent exclusion.
 - Readmission procedures and support.

2. Types of exclusion

2.2 Permanent exclusion

Permanent exclusion is an extremely serious sanction, and a step taken by the school only as a last resort. In most cases, permanent exclusion will be used only after various alternative strategies have been tried to improve behaviour but have been unsuccessful. There are, however, some situations in which permanent exclusion on the first offence is the only option.

These may include:

- serious, actual or threatened violence against another student or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon
- arson.

The list is not exhaustive but provides an indication of the severity of the offence which may lead to permanent exclusion.

It may be necessary for the school to involve the police if the offence warrants it. All permanent exclusions will be reviewed by the Governing Body to ensure that the Headteacher's decision was lawful, reasonable and fair. The Headteacher can withdraw an exclusion that has not yet been reviewed by the Governing Body.

2.3 Fixed-term suspension

The length of a fixed-term suspension will be set out by the school at the start of the suspension period. If a student is suspended for more than 45 days in one school year, they will be permanently excluded.

A fixed-term suspension may result from a serious breach or persistent breaches of the school's behaviour policy. It may be a first offence or persistent disruptive behaviour that requires a tougher sanction than other sanctions available to the school under the behaviour policy, but does not warrant permanent exclusion.

A permanent exclusion may follow on from a fixed term suspension by the Headteacher if the circumstances warrant it. This will generally be in cases where further evidence comes to light during the school's investigation. In this case, parents or carers will be notified in writing of the decision to permanently exclude the student, together with the reasons for doing so. During fixed-term suspensions and permanent exclusions, daytime supervision of the child is the responsibility of their parent or guardian for the first 5 days of the exclusion period.

A suspended student has no automatic right to take a public examination on the school's premises. The Governing Body can decide whether or not to allow the student to sit the tests, and this will depend on the seriousness of the reason for suspension.

3. Power to exclude/suspend

The Headteacher is the only member of staff within the school who can exclude/suspend a student, either permanently or for a fixed-term suspension. In the absence of the Headteacher, the Deputy Head can make this decision.

The Governing Body can review the Headteacher's decision and consider representations from parents of suspended/excluded students. They may direct the reinstatement of an excluded/suspended student, or uphold an exclusion/suspension after a review, but they cannot exclude/suspend a student themselves. For more information on the Governing Body's role in exclusions, see section 6.

In making decisions on exclusions/suspensions, the Headteacher and Governing Body must have regard to the statutory guidance issued by the Department for Education (DfE) on exclusions/suspensions.

4. Grounds for exclusion/suspension

Any exclusion, whether a fixed term suspension or permanent exclusion, will flow from a breach or breaches of the behaviour policy and/or school rules. In accordance with DfE guidance on exclusions, a permanent exclusion may only be imposed in response to a serious breach or persistent breaches of the behaviour policy and where allowing the student to remain in school would seriously harm the education and/or welfare of the student or others in the school community.

In line with the school's behaviour policy, the following actions are examples of unacceptable behaviour which may result in permanent or fixed-term suspensions:

- verbal abuse to staff and others
- verbal abuse to students
- physical abuse to/attack on staff
- physical abuse to/attack on students
- indecent behaviour
- damage to property
- misuse of illegal drugs
- misuse of other substances
- theft
- serious actual or threatened violence against another student 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 sanctions and other interventions have not been successful in modifying the student's behaviour.
- Any other breach of the school rules

5. Making the decision to exclude/suspend

Exclusion of any sort, for any period of time, is taken very seriously by the school, and the decision to exclude or suspend is not taken lightly. Various alternative strategies to manage behaviour will usually be tried before exclusion or suspension, as this sanction is only used as a last resort unless the behaviour exhibited equates to a serious breach of the behaviour policy.

The school will give particular consideration to the fair treatment of students from groups who are vulnerable to exclusion or suspension. The school will review the support provided to address the needs of these students and consider whether extra support could be put in place to reduce their risk of exclusion/suspension, prior to taking a decision to exclude/suspend.

If it is decided that exclusion/suspension is necessary, the parents or carers of the student will be notified, and the circumstances surrounding the exclusion/suspension will be formally recorded.

5.2 Alternative behaviour management strategies

Learning outside the classroom away from peers

If a student needs to be removed from a lesson that is in progress, or a social situation, for disruptive behaviour or to calm down, it may be necessary to place that student elsewhere in the school. This may occur over break times and will be used in circumstances where it is not necessary to remove the student from the school site, but separation is needed. They will be placed in the Learning Room or somewhere where appropriate learning, support and supervision can be provided.

Havant Federation of Schools Inclusion

The Havant Federation of Schools have agreed to work collaboratively to provide an alternative to fixed term suspensions, whereby a student due to be suspended can be accommodated in the internal inclusion/isolation facility of another school.

Federation inclusion will usually be only 1 or 2 days at a time, the most being 5 days for extremely serious incidents.

A school is then chosen depending on which schools are able to offer the facility and which would be best placed geographically, also taking into account any knowledge of past history relating to the student.

A suspension pack is put together by the Head of Year at The Cowplain School which includes the student's personal details, a hard copy of the inclusion agreement, a reflection sheet for student to complete and all the work that has been collated for the student to do whilst isolated.

The Head of Year contacts parents of the student to inform them of arrangements and that they will be expected to meet on the first morning of Federation Inclusion at the agreed school. The Federation Inclusion runs from 9.30am – 2.30pm but can be varied between the schools. A member of staff from The Cowplain School will meet with a member of staff from the receiving school, the parents and the student on the first day of the Federation Inclusion. Parents are also expected to make arrangements to ensure the student is taken and collected from the receiving school.

Mediation

If there is a conflict between two or more students, a member of staff will sit down with those involved and attempt to mediate the situation through discussion. This strategy may also be used if there is a conflict between a teacher and a student.

Restorative justice

This strategy is dependent on the cooperation of all parties involved in an incident or situation, and will usually be used where one person has done something to upset or harm another. It can be helpful for the offender to redress the harm that they have done and hopefully learn from their mistakes. It can also provide closure for those who have been harmed.

Managed move

It may be in the best interests of a student to have a chance of a fresh start by moving to another school within the local area. This will only occur in consent with parents and the Headteacher. The new school will be asked by the Headteacher to accept the student.

Parents will not be put under any pressure to agree to a managed move, especially in fear of a permanent exclusion, and the school will do everything it can to ensure that the transition is as smooth as possible.

If a managed move is agreed, a plan will be put in place, which sets out the duration of the managed move and what support will be put in place for the student. The student will be dual registered during the period of the managed move. If the managed move is successful, the student will come off the roll of the school and remain on the roll of the new school. If the managed move is not successful, the student will return to the school.

5.3 Looked-after children and young people

The Cowplain School understands that looked-after children and young people may be more susceptible to having behavioural problems due to additional problems they may face at home. We work in conjunction with all relevant childcare authorities to support looked-after children and try every possible means of keeping them in school. Before any decision to suspend or exclude is made, the school will (as appropriate):

- consult the LA about alternative options to support a looked-after student
- consult the LA about what alternative provision will be available if the student is suspended or excluded
- involve the child's social worker as early as possible to help the school avoid suspension or exclusion
- work with the foster carer to improve the student's behaviour.

5.4 Students with special educational needs or a disability (SEND)

Students with SEN

Our school's full SEN provision is outlined in our **special educational needs policy and the SEN Information Report**, available on the school website. We work hard to include students who have behavioural difficulties or difficulties with elements of social interaction as part of their SEN. The school will try every practical alternative to suspension or exclusion, but there may be some cases where it cannot be avoided.

If a permanent exclusion is made, the Headteacher will use the time between the initial decision and the Governing Body's review to see whether a change of circumstances might enable the school to withdraw the exclusion. It may be the case that more support is needed for the student, or that it is in the child's best interest that their EHC Plan be changed to name a different school, in which case the school will work with the LA and the child's parents or carers to make the transition as smooth as possible.

Students with a disability

If a student with a disability is under consideration for suspension or exclusion, the Headteacher will ensure that all other possible options have been tried. To justify suspending or excluding a student with a disability for a reason related to their disability, there must be material and

substantial reason. The erosion of order and discipline in the school may be material and substantial justification, but only if reasonable adjustments have been made for the student's disability. You can find more information on reasonable adjustments in our **school accessibility plan and our Equality Policy**, available on the school website.

5.5 Ethnicity

The Cowplain School does not discriminate against any person and our school ethos is one of inclusion, equality, and diversity. If any person feels that they have been discriminated against due to their ethnicity they may make a formal complaint to the school following the process outlined in our **school complaints procedure**. Where the issue arises in relation to a suspension or exclusion, the school will deal with any concerns raised by parents through the consideration of parental representations within the suspension/exclusion framework.

5.6 Investigating the circumstances

Disruptive behaviour or actions that may break the school rules / behaviour policy will always be investigated before the decision to suspend or exclude is made.

Before the decision to suspend or exclude is made, the Headteacher will:

- ensure that the school has undertaken a thorough investigation
- consider all the evidence available
- where practical, give the student the opportunity to give his or her version of events
- take into account the school's behaviour policy and all other relevant school policies including the single equality plan
- find out whether the behaviour may have been provoked, for example in the case of racial or sexual harassment, or bullying
- consult other people as necessary (but not anyone on the Governing Body who may later have a role in reviewing the decision)
- keep a written record of discussions, interviews and actions, and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed if possible.

5.7 Confidentiality

The school will deal with all cases of suspension/exclusion and the surrounding circumstances confidentially. Information will be shared only with those who need to know it, and a breach of this may result in disciplinary action.

5.8 Recording and notifying the decision to exclude

All exclusions will be formally recorded and the Headteacher or a nominated member of staff (usually the Deputy Head or the student's Head of Year) will contact the parents or carers of the student immediately once the decision has been made to suspend or exclude, specifying why this action has been taken and the length of time that it will last. The decision will be confirmed in writing. The Headteacher will notify the Governing Body and LA without delay of the decision to exclude being made where the exclusion is permanent or is a fixed term suspension which results in the student being suspended for a period of more than 5 school days in a term or where the suspension/exclusion will result in the student missing a public examination.

6. Reviewing an exclusion

The Governing Body will review fixed-term suspensions of any length on request by parents who feel that the sanction is unjustified. A meeting will not always be required. They will automatically review all cases of permanent exclusion, as well as any fixed-term suspensions that would lead to a student missing more than 15 days of a school term, or missing a public exam. The Governing Body will look at the evidence and the records leading up to the suspension/exclusion and decide whether, in light of the evidence and his legal duties, the Headteacher has made a lawful, reasonable and fair decision.

The review hearing will be minuted by the clerk.

Parents who want a review of the suspension/ exclusion can contact the Governing Body. Subject to the type and length of the suspension/exclusion imposed by the Headteacher, parents will be invited to a review meeting and are entitled to bring a friend or legal representative with them. Parents will be asked to provide the Governing Body with any written statements or evidence that they might have relating to the suspension/exclusion prior to the review meeting so that these can be circulated. There will be an opportunity during the meeting for parents to ask questions of the other parties.

The student concerned is encouraged to attend if they are able to fully understand the proceedings. The Cowplain School believes that students should be encouraged to take part in the review process and feel that they are listened to. This will hopefully increase the chance of a positive behaviour pattern emerging in the future. The Governing Body can be contacted by telephoning Mrs Rogers, who administers exclusions, on 023 9261 2020.

6.2 Notification of the Governing Body decision

Parents will be notified of the outcome of the Governing Body review meeting in writing. This letter will also outline how parents can request a review by the independent review panel if they are unhappy with the outcome of the Governing Body's review. The outcome of the Governing Body meeting will be one of the following.

- **Upholding the suspension/exclusion**

If the Governing Body finds that the exclusion decision was lawful, reasonable and fair, they will uphold the decision to suspend/exclude. In this case, a letter will be sent to the parent or carer of the child outlining:

- the decision
- the reason for the decision
- the parent's right to request an independent review panel
- the name and contact details of the person to whom to send the request
- the date by which the request and reasons for it should be given
- that the notice of appeal must set out the reasons for the request
- the right to a SEN expert to attend the independent review panel
- the right to have a representative at the independent review panel at the parents' own expense
- that allegations of disability discrimination may also be pursued to the First Tier Tribunal (SEND Tribunal)
- that a claim to the county court can be made for other forms of discrimination.

- **Reinstating the student**

If the Governing Body decides that the decision to suspend/exclude was not lawful, reasonable or fair in light of the evidence and the duties of the Headteacher, the Governing Body must reinstate the student immediately or by a given date. If the latter option is chosen support will be given to ensure that the student is easily reintegrated into the school. This will include a reintegration interview with the Headteacher and parent or carer on school grounds, during which an Individual Behaviour Plan will be drawn up.

A copy of the letter detailing the outcome will be put in the student's academic records along with any relevant papers. The Governing Body may also decide to arrange for an educational provision offsite to improve the child's behaviour, such as an anger management course.

7. During a suspension/exclusion

Although the Headteacher has made the decision to suspend/exclude a student, we maintain responsibility for the education of that child and will do everything that we can to minimise the disruption to their education.

For the first five days of a suspension or permanent exclusion, the school will set and mark work that the child should complete at home under parental supervision.

From the sixth day onwards, of a fixed-term suspension, the school will arrange for alternative full-time educational provision. If the exclusion is permanent, the LA will arrange for this provision having assessed the child's needs. Alternative provision might be arranged at:

- another school in the area
- a shared joint facility
- a student referral unit
- a private provider
- a local FE college.

If the child has an EHC Plan, the alternative provision will meet those needs.

7.2 Reintegration Meeting following a Fixed-Term Suspension

A meeting will be held between the Head of Year, Leader of Behaviour for Learning, the Headteacher or another member of SLT, student and parent prior to readmission. The purpose of the meeting will be to:

- Seek a commitment from the student for a successful return to School.
- Reflect on lessons learnt from the exclusion. Agree terms of readmission through the use of an Individual Behaviour Plan e.g. continue to undergo preventative work, use of a Report Card.
- Reinforce the School's expectations.
- If appropriate, the Head of Year will oversee an update of a Risk Assessment to be kept in the student's personal file.

7.3 The role and duty of the Governing Body

The school will maintain a record of exclusions. Data will be compared regularly with local and Hampshire exclusion statistics by SLT and Governors.

Details of the specific duty and role of the governing body in relation to exclusions are summarised in the document '*Exclusion from maintained schools, Academies and pupil referral units in England DFE, 2017.*'

8. Monitoring, evaluation and review

The policy is monitored by Governors and the Senior Leadership Team. The effectiveness of the policy (against the Objectives) will be reviewed by Governors and the Senior Leadership Team every 2 years.

Date Reviewed and	Spring 2022	Reviewed by:	NBT	Next Review:	Spring 2024
Summary of changes made:	Amended to reflect the latest guidance Change in terminology: Fixed term exclusion to fixed term suspension; Pastoral Leader to Head of Year				