



Exclusion Policy



Signed by:

NEIL GAGE

Headteacher

Date: 01.09.2024

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CEO

Date: 01.09.2024



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Statement of intent

At Dovecote School we understand that good behaviour and discipline is essential for promoting a high-quality education.

The school recognises that the exclusion of students may be necessary where there has been a serious breach, or consistent breaches, of the school's Behavioural policy. Excluding a student may also be required in instances where allowing the student to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding students will only be used as a means of last resort.

The school has created this policy to provide clarity on when the school's right to exclude a student may be exercised, and to ensure that our procedures are fair and promote natural justice. This policy does not apply to instances when a student must leave the school due to non-payment of fees or withdrawal by their parents.



1. Legal framework

1.1. This policy has due regard to the related statutory legislation including, but not limited to, the following:

- Education Act 2002
- Education and Inspections Act 2006
- Education Act 1996
- The Education (Independent School Standards) Regulations 2014 and subsequent updated versions
- The European Convention on Human Rights (ECHR)
- Equality Act 2010

1.2. This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'
- DfE (2023) 'Suspension and Permanent Exclusion from maintained schools, academies and student referral units in England, including student movement'
- DfE (2024) 'Behaviour in Schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

1.3. This policy will be implemented in conjunction with the following school policies and procedures:

- **Behavioural Policy**
- **Anti-Bullying Policy**
- **Special Educational Needs and Disabilities (SEND) Policy**
- **Child Protection and Safeguarding Policy**

2. Roles and responsibilities

2.1. The LA is responsible for:

- Arranging suitable full-time education for any student at compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing students' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.

2.2. The CEO is responsible for:



- In conjunction with the **headteacher**, ensuring arrangements are in place to allow for a prompt review of all permanent exclusions, where necessary.
- Considering written representations from parents about exclusions within **seven working days** of receiving notice.
- Where an exclusion would result in a student missing an examination or test, considering the exclusion before this date.
- Considering whether it would be appropriate for a student to be permitted onto the school premises to sit the examination or test.

2.3. The **headteacher** is responsible for:

- Applying the civil standard of proof when establishing the facts in relation to an exclusion.
- Complying with their statutory duties in relation to students with SEND when administering the exclusion process, as outlined in the **SEND Policy**.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g., if a student has suffered bereavement, bullying or has a mental health issue.
- Considering what extra support may be needed to identify and address the needs of individual students, particularly students:
 - With SEND
 - Who are eligible for FSM?
 - Who is LAC?
 - From certain ethnic groups
- Engaging effectively with parents in supporting the behaviour of students with additional needs.
- Arranging and attending a disciplinary meeting with the student and their parents.
- Determining whether a student will be excluded on disciplinary grounds.
- Ensuring any decision to exclude is lawful, rational, reasonable, fair, and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to exclude a student.
- Ensuring they have considered their legal duty of care when sending a student home following an exclusion.
- Notifying a student's parents without delay where the decision is taken to exclude the student.
- Notifying the LA within 24 hours of their decision to exclude a student where appropriate, as well as the student's home authority if required.
- Organising suitable work for excluded students where necessary.
- Considering problems, e.g., safeguarding concerns, which may be caused by a temporary exclusion, e.g., inadequate supervision of the student during the exclusion.

3. Grounds for exclusion



3.1. The school will only exclude a student where it is necessary, and where all other possible disciplinary sanctions, as detailed in the school's **Behavioural Policy**

3.2. The following examples of student behaviour may underline the school's decision to exclude a student:

- Any incident which poses a risk to other students or members of staff, e.g., bringing a weapon onto the premises
- Any incident which breaches the law
- Persistent and severe bullying
- Verbal and physical abuse
- Constant and repeated disruption
- Damage to property and vandalism
- Cheating, including plagiarism
- A single, serious, and major incident, e.g., serious assault on another individual leading to injury

3.3. The following examples of parental behaviour may underline the school's decision to exclude a student:

- Any action which brings the school into disrepute
- Causing serious or repeated disruption on school premises
- Behaving aggressively or threateningly towards school staff, including via social media or electronic communication

3.4. The above list is not intended to be exhaustive, and it will remain at the discretion of the **headteacher** to determine if exclusion is an appropriate disciplinary action in response to an incident or series of incidents.

3.5. Students can be excluded on a fixed-period basis, i.e., up to forty-five school days within an academic year, or permanently. Similarly, students can be permanently excluded following a fixed-period exclusion, where further evidence is presented.

3.6. In all cases, the **headteacher** will decide which exclusion period a student will be subject to, depending on what the circumstances warrant.

3.7. The headteacher will decide if an offence warrants police involvement if there is a belief criminal activity may have taken place.

4. **The headteacher's power to exclude**

4.1. Only the **headteacher** has the power to exclude a student from the school.

4.2. The **headteacher** can exclude students from the premises where their behaviour is disruptive during lunchtime. All lunchtime exclusions will be counted as half of a school day.



- 4.3. The **headteacher** can consider a student's disruptive behaviour outside of the school premises as grounds for exclusion, in accordance with the school's **Behavioural Policy**.
- 4.4. Any decision made to exclude a student will be lawful, proportionate, and fair, with respect to the school's wider legal duties, including the ECHR.
- 4.5. All exclusions will be formally recorded on the **student information system**.
- 4.6. When sending a student home following an exclusion, the **headteacher** will ensure that they always exercise their duty of care and will always inform the student's parents.
- 4.7. The **headteacher** will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e., that 'on the balance of probabilities' it is more likely than not that the facts are true.
- 4.8. At all times, the **headteacher** will consider their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, e.g., race, sex, disability, and will not increase the severity of a student's exclusion on these protected characteristics.
- 4.9. The use of internal exclusion, where a student is separated from other students as a disciplinary action, will not be registered as a formal exclusion and the student will not be sent home from school.
- 4.10. The **headteacher** will not use the threat of exclusion as a means of instructing parents to remove their child from the premises.

5. Factors to consider when excluding a student

- 5.1. An exclusion will only be imposed instantly if there is believed to be an immediate threat to the safety of staff and students in the school or the student themselves.
- 5.2. When considering the exclusion of a student, the **headteacher** will:
 - Ensure an appropriate investigation and evidence-recording process is conducted.
 - Allow the student the opportunity to present their case, accompanied by a member of staff or a parent if requested.
 - Consider contributing factors that are identified after a case of poor behaviour has occurred, e.g., the student's SEND, or if the student's wellbeing has been compromised, or they have been subjected to bullying.
- 5.3. The **headteacher** will consider what extra support may be available for vulnerable student groups, e.g., students with SEND, whose exclusion rates are higher, to reduce their risk of exclusion.



- 5.4. The **headteacher** will consider avoiding permanently excluding LAC, students with Social, Emotional and Mental Health (SEMH) issues and students with an EHC plan.
- 5.5. Where any member of staff has concerns about vulnerable student groups and their behaviour, they will report this to the **headteacher**, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational and mental health needs, or other needs and vulnerabilities.
- 5.6. Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the school's **Behavioural Policy**. If the student continues to endanger the physical or emotional wellbeing of other students or staff, despite exhausting the graduated response process, then exclusion may be considered.
- 5.7. In accordance with the Equality Act 2010, under no circumstances will a student with identified SEND or SEMH issues be excluded before the graduated response process has been completed.
- 5.8. Where a student with SEND or SEMH issues is permanently excluded because of a SEND- or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these students are closely tracked and showing that the school has a close relationship with the student's next destination.
- 5.9. The **headteacher** will work in conjunction with the parents of any student with additional needs to establish the most effective support mechanisms.

6. Duty to inform parents

- 6.1. The **headteacher** will inform the parents of a student under investigation for an incident that may result in exclusion as soon as is practical.
- 6.2. When a decision is made to exclude a student, the **headteacher** will immediately inform the parents, in person or by telephone, of the period of the exclusion and the reasons behind this.
- 6.3. The **headteacher** will inform the student's parents via written communication of the following:
 - The reason(s) for the exclusion
 - The details of the incident(s) that led to the exclusion
 - The length of the fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent
 - The arrangements to allow the student to work at home, where appropriate
 - The student's rights to enter the school premises during the exclusion



- Their right to raise any representations about the exclusion to the **CEO**, including where a deadline applies, how the student will be involved in this and how the representations will be made
- 6.4.** If the **headteacher** has decided to exclude the student for a further fixed period following their original exclusion, or to permanently exclude them, they will notify the student's parents without delay and issue them with a new exclusion notice.
- 6.5.** If a student with SEND has been excluded, the **headteacher** will ensure that:
- Any alternative provision is arranged in consultation with the student's parents, who can request preferences.
 - When identifying alternative provision, any EHC plan is reviewed or the student's needs are reassessed, in consultation with the student's parents.

7. Disciplinary meeting

- 7.1.** The **headteacher** will decide if a disciplinary meeting is required to address breaches of the school's **Behavioural Policy** where exclusion is considered necessary.
- 7.2.** The student and their parents will be requested to attend the disciplinary meeting, and they will be provided with the opportunity to provide their views of the complaints made.
- 7.3.** A member of staff will be chosen by the student to accompany them in the meeting if requested.
- 7.4.** At the meeting, the **headteacher** will ensure the following documents are available:
- A statement detailing the incident(s) and complaints against the student
 - The report compiled as part of the investigation
 - Any relevant correspondence, e.g., written statements
 - Relevant documents from the student's school file
 - A copy of this policy
- 7.5.** The **headteacher** will not be required to share confidential information, or the identities of students or others who have provided information that has formed part of the evidence against a student, with parents.
- 7.6.** The **headteacher** will decide based on the evidence presented at the meeting and representations made by and on behalf of the student whether further investigation is needed, or whether the complaint has been proved or disproved on the balance of probability.



- 7.7. If the complaint is proved, the **headteacher** will inform the student and their parents of the possible disciplinary actions and a decision will be given within **24 hours**.
- 7.8. If the student's parents request a review by the **CEO** the student will remain suspended until the **CEO** has concluded the process.

8. Reviewing exclusions

- 8.1. The CEO will consider any representations made by the student's parents regarding exclusions that are received in writing within **three working days** of notification – representations made after the deadline will be considered only at the discretion of the **headteacher**.
- 8.2. The parents' representation will state the basis on which they are seeking a review and the resolution they want.
- 8.3. The CEO will decide if a review is warranted based on the representation – a simple disagreement with the **headteacher's** decision will not typically be considered sufficient grounds for a review.
- 8.4. The **headteacher** will ensure appropriate arrangements are in place for the review if the student has SEND or the parents have any disabilities that necessitate additional facilities or adjustments.
- 8.5. When a review is granted, the CEO will select a three-member panel.
- 8.6. The members of the panel will not have prior knowledge of the details of the case or be familiar with the student or their parents.
- 8.7. The student's parents will be notified before the review of the chosen members for the panel, and the CEO will consider any objections raised.
- 8.8. The review will take place within **ten working days** of submission of the parents' representations during term time.
- 8.9. The chair of the panel will decide if added information provided by either side is allowed to be considered.
- 8.10. The panel will examine the evidence provided by both sides and the representations made and will decide if the original decision stands or whether the **headteacher** should reconsider their decision with recommendations made, e.g., to reduce the severity of the punishment.
- 8.11. A review meeting is a private procedure and all those involved will keep the proceedings confidential, subject to law.
- 8.12. In attendance at the review meeting will be the members of the panel, an appointed clerk, the **headteacher**, the student and their parents, and any relevant staff member requested by the student, or their parents agreed upon by the **headteacher**.



- 8.13. The procedures of the review meeting will be informal, fair and follow the requirements of natural justice.

9. Reaching a decision

- 9.1. The panel will consider how the decision was reached and if the facts of the case were sufficiently proved – the civil standard of proof will apply.
- 9.2. The panel will decide if the disciplinary action was proportionate to the complaints made against the student.
- 9.3. The student and their parents will be informed that if they are unhappy with the procedure of the review, they should raise their concern to the chair of the panel at the time and ask the clerk to note their concern.
- 9.4. Once all issues have been considered, the panel will reach its decision and make its recommendations, which will be communicated in writing, with justifications, to the **headteacher** and the student's parents by the chair of the panel within **three working days** of the meeting.
- 9.5. The **headteacher** will respond to the recommendations within **24 hours** of notification. This decision will be final.
- 9.6. The **headteacher** will consult with the student's parents before determining the leaving status of the excluded student.

10. Monitoring and review

- 10.1. This policy will be reviewed **annually** by the **headteacher** in conjunction with the **CEO**
- 10.2. The next scheduled review date for this policy is **29th August 2025**.
- 10.3. All members of staff will be required to familiarise themselves with this policy as part of their induction programme.

Written by Neil Gage 29th August 2024

