



Cumberland  
School

# **School Exclusion Policy**

**Last Update: September 2020**

**Next Update: September 2021**

## **School Exclusion Policy**

### **Statement and Vision**

We instil discipline and good conduct in order to maintain an orderly and safe learning environment so that teaching and learning can take place.

### **In response to**

- The Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Human Rights Act 1998, as amended by the Human Rights Act 2004
- Race Relations Act 1976, as amended by the Race Relations Act 2010
- Equality Act 2010
- Exclusion from Maintained schools, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion (Department for Education 2012)
- Exclusion from Maintained schools, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion (Department for Education 2017)

### **The Witherslack Group will:**

- Secure the on-going health, safety and right to personal space for all children and young people and staff
- Maintain discipline and good conduct in order to secure an orderly learning environment
- Use exclusion (fixed period and permanent) only as a last resort when all other internal approaches have been considered or exhausted

### **In this establishment we will:**

- Adhere to the WG Exclusion policy
- Have in place a variety of strategies and alternatives to ensure exclusion is a last resort
- Ensure exclusion is only used in response to serious breaches to the school's discipline policy
- Ensure exclusion events are dealt with efficiently and within given time schedules
- Provide appropriate work and support for young people on fixed period exclusion

- Ensure the appropriate Regional Director is consulted prior to any fixed term or permanent exclusion
- Treat all exclusion cases in the strictest confidence
- Ensure parents/carers are aware of their legal obligations whilst their child/young person is excluded
- Ensure all events, procedures and outcomes pertaining to exclusion are well documented in accordance with school guidelines
- Establish re-integration plans/programmes for children and young people returning from fixed period exclusion

**Practice guidance will include:**

- Training for staff in the specific needs of individual children/young people
- Outline supportive programmes for children/young people in danger of being excluded
- Ensure all staff are aware of re-integration plans/programmes for children/ young people returning from fixed period exclusion

**Definitions**

Exclusion involves a child not being allowed to attend school for a defined period of time. There are two kinds of exclusion:

- A fixed period exclusion is where a child is temporarily removed from school and is not allowed to return for a specified number of days.
- A permanent exclusion means a child's name will be removed from the school register and they will not be allowed to return to that school at all.

**Decision to fix term exclude**

The decision to exclude a child is a last resort and will only be taken after a full range of alternative strategies have been tried and have failed or would be likely to fail, and only:

- 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.

When establishing the facts in relation to an exclusion decision, the Head Teacher must apply the 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.' This means that the Head Teacher should accept that something happened if it is more likely that it happened than that it did not happen.

The Head Teacher should consider all the relevant facts and verified evidence to support the allegations made and take into account the Witherslack Group (WG) policy on equal opportunities and whether any incidents are provoked by racial or sexual harassment. If there is doubt that the child/young person actually did what is alleged, the Head Teacher will not exclude the child/young person.

Only the Head Teacher has the authority to exclude a pupil or in their absence the Deputy Head

Teacher. In all cases of fixed term or permanent exclusion the Head Teacher or Deputy Head will discuss and agree an exclusion with the Regional Director first. The Head Teacher should also allow a young person to give their version of events before a decision on exclusion is made.

Witherslack Group acknowledges that all children have a right to education and will take reasonable steps to set and mark work for pupils during the first five school days of an exclusion.

A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year.) The Head Teacher should formalise the fixed term exclusion in writing, outlining the length of time, the reason for the exclusion and reminding the parent/carer of their duty to ensure the young person is not present in a public place in school hours during the exclusion period.

The letter should also state details of the reintegration meeting and rights to make representation to the appropriate Regional Director and contact details for the local authority representative. The reintegration meeting is to agree with pupil, parents/carers and the local authority the school's 'strategy plan' that will be adopted following the child/young person's return.

It is the parent/carer's right to make representations about the exclusion to the appropriate Regional Director through the 'Witherslack Group Complaints and Representations Policy and Procedure' if they so wish.

Any fixed term and permanent exclusions should be appropriately recorded in the school consequences book in the school. A separate record should be kept on the individual child/young person's file.

Exclusion will not normally be considered an appropriate response for:

- Minor incidents such as failure to complete homework.
- Poor academic performance.
- Poor timekeeping or truancy.
- Pregnancy.
- Breaching school uniform policy including hairstyle or wearing jewellery.
- Punishing children/young people for the behaviour of their parents/carers, for example, by extending a fixed term exclusion until the parents/carers agree to attend a meeting.

### **Decision to permanently exclude**

A decision to exclude a child/young person permanently is a serious one.

If the school is considering a permanent exclusion of a child/young person the local authority and the parents/carers should have been given an opportunity to attend a meeting with the school to discuss the matter. If following the meeting the school wishes to proceed with a permanent exclusion, the parent/carer and local authority shall be given the opportunity to make representations (if required, in person) in connection with the exclusion to the relevant Regional Director.

If the school feels that it can no longer meet the needs of an individual pupil for serious breaches of the school policies then the Head teacher will have ensured regular communication with parents/carers and local authority professionals as to what the potential next steps maybe. If permanent exclusion is the final decision for the school then this process will be managed with all relevant parties' involvement to ensure a supportive move from the school.

The Head Teacher will ensure that the permanent exclusion is confirmed with all parties in writing within 24 hours of the child leaving the school, ensuring the reasons why are clear. The letter will also contain the right to appeal through the Witherslack Group complaints policy and therefore will contain the name, address and telephone number of the appropriate Regional Director with whom an appeal can be lodged.