



**Churchdown School Academy**  
ACHIEVING SUCCESS FOR ALL

## **Exclusion Policy**

### **Churchdown School Mission Statement**

Our mission is to be a school where student development and learning are at the centre of everything we do. Students are expected to strive for personal excellence and demonstrate a commitment to learning as they fulfil their potential. Our community is a nurturing and caring one, where students are encouraged to show compassion, friendship and support towards one another. We aim to provide an education which is fully inclusive, where every child is valued for who they are and who they can become.

At Churchdown School the education we provide is guided by the values of integrity, resilience, respect, ambition and tolerance. These values are particularly important to us as we develop the students into lifelong learners and prepare them for a life beyond school.

### **Introduction**

This exclusions policy complies with the Department for Education's (DfE's) statutory guidance on "Exclusion from maintained schools, academies and student referral units in England" that came into effect from September 2017, as well as the "Changes to the school suspension and expulsion process during the coronavirus (COVID-19) outbreak" guidance updated in March 2021. It should be read in conjunction with the School's Behaviour Policy.

A student may be excluded from school on disciplinary grounds by the Headteacher (or acting Headteacher) The Headteacher will not exclude a student for a non-disciplinary reason (this includes the action of a student's parents). Exclusion is only used when the Headteacher judges that the behaviour of a student is sufficiently serious to merit an exclusion. A student may be excluded from the School in the following circumstances:

- a) In response to a serious breach of the School's Behaviour Policy
- b) If the student has repeatedly disobeyed academic instructions and/or broken school rules and previous sanctions have not been effective
- c) If allowing the student to remain at the School might risk the safety of students or staff
- d) If allowing the student to remain at the School might negatively affect the education of student at the School

These are non-exhaustive examples and the Headteacher will consider the appropriate action following each incident.

## **Exclusion Criteria**

Examples of situations that may lead to a student being excluded from the School include the following:

- Persistent disruptive behaviour
- Verbal abuse to Staff and others
- Verbal abuse to student
- Physical abuse on Staff
- Physical abuse on a student
- Deliberate unwanted physical contact with a teacher
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs or other substances including supplying
- Theft
- Fighting
- Encouraging others to fight (including being part of a crowd to watch a fight)
- Videoing and/or posting or forwarding videos of poor behaviour
- Videoing others so as to cause upset or embarrassment
- Posting offensive images or comments on the internet
- Threatened violence against another student or a member of staff
- Sexual abuse or assault
- Abusive or offensive language or images posted on the internet about students or teachers
- Cyber crime on any of the School's internet systems
- Carrying an offensive weapon.
- Arson
- Racist, homophobic or discriminatory abuse of another student or member of staff
- Bringing the school into disrepute
- Offensive language or behaviour to local residents on the way to or from school
- Damaging or attempting to damage local houses/property
- 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.

This is not an exhaustive list and there may be other situations where the Headteacher judges an exclusion to be an appropriate sanction.

Students are expected to behave within the school rules while at the School (including lessons, registration, break time, lunchtime and after-school events/clubs) and also while travelling to and from the School. The same rules apply during a student's commute as they do when in school. The School may sanction a student for behavioural concerns even outside of these times, including at weekends and holidays, if a student's behaviour is such that it brings the School into disrepute or causes upset or harm to a student, member of staff, neighbour or friend of the School.

## **Time Period**

A student may be excluded for one or more fixed periods or permanently. Most exclusions are of short duration usually between 1 and 5 school days. However, a student can be excluded for up to 15 school days if necessary, and for up to 45 school days in any one academic year. If a student's behaviour at lunchtime is disruptive, they may be excluded for lunchtimes only (each lunchtime counts as half a day).

For the purposes of this policy, school days refers to weekdays (Monday to Friday) during term time, excluding bank holidays.

## **Deciding on Exclusions**

When an incident has occurred that may result in an exclusion, the Headteacher will consider very carefully the surrounding events. Any decision to exclude a student must be lawful, reasonable and fair. The School will not engage in unlawful "off-rolling." Ofsted defines off-rolling as: "...the practice of removing a student 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 student." Informal exclusions such as sending a student home to cool off are not permitted.

Where possible statements will be taken from students who may have witnessed the event, and a judgement will be made by the Headteacher to try and decide the actual order of the events. Where a member of staff has witnessed an event, this evidence will be recorded and used as the primary source.

Any student who is at risk of exclusion will be given the opportunity to give his/her version of the events and these will be carefully considered before making a decision to exclude. If a student is judged to have deliberately lied about the course of events, the sanctions may well be increased. CCTV images will be used if appropriate and if the witness statements are not clear. However, it should be understood that in some situations it will not be possible to ever know exactly what happened and in what order, but the Headteacher will always try to make a fair judgement, based on the balance of probabilities.

The school will not jump to decisions, but instead take the time necessary to consider the circumstances and come to a decision. In the intervening period, it may be necessary to withdraw some students from lessons and sit them with a pastoral leader, to avoid further conflict or upset. If any student is unduly upset and it is judged that he/she is not able to remain at the School, parents will be called and asked to collect the student. Where other students or staff are at risk of harm, parents will be phoned straight away and asked to collect the student and take them home, while a decision about the necessary sanction is discussed.

**The school is not required to prove beyond reasonable doubt. If the School is satisfied that, on the balance of probabilities, the student did what he/she is alleged to have done, exclusion may be the outcome.**

## **Contacting parents**

If a decision is reached to exclude a student, parents will be contacted without delay and will be notified of the period of the exclusion and the reasons for it. This will usually be done by a telephone call.

A formal letter will always be written in the event of an exclusion. The letter will make clear the following:

- the reason for the exclusion
- the date and time for return
- rules and restrictions that apply to a student who is excluded from school

The letter will be sent to parents without delay, usually within 24 hours from when the decision to exclude was reached.

Where the excluded student is of compulsory school age, the Headteacher will also notify parents that for the first five days of exclusion they are legally required to ensure that their child is not in a public place during school hours without reasonable justification. Parents may be prosecuted or given a fixed penalty notice if they fail to do so. Parents will also be advised that during the course of a fixed term exclusion, where the student is required to be at home, the student is not allowed on the School's premises and that daytime supervision is the parents' responsibility.

## **Return Meeting**

Churchdown values the "Return Meeting" with parents very highly. Parents are asked to attend a meeting with a senior member of the pastoral team, and other staff as appropriate. These meetings form an essential aspect of the School's Disciplinary procedures. The School may implement certain measures on the student's return including putting the student on report.

The meeting will usually take place early in the morning on the day of return to school. However, the School will try and find a time that is appropriate and convenient for all parties. Where appropriate, staff from other agencies may attend a Return Meeting. Should parents fail to attend a Return Meeting the student will be required to work in isolation until such time as the meeting has been held.

A fixed term exclusion cannot be converted into a permanent exclusion. In exceptional cases however, the Headteacher may issue a permanent exclusion to begin immediately after the end of the fixed period (this will usually occur where further evidence has come to light). The Headteacher may also withdraw an exclusion, if appropriate, that has not been reviewed by the Governing Board.

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

The School will provide alternative education from the sixth day of any period of fixed term exclusion of more than five days, regardless of whether this is as a result of one fixed period or several fixed periods of exclusion.

This alternative provision may take the form of:

- Education at an alternative provider; or
- Virtual education via a computer terminal or some other form of alternative education.

The School will liaise with the alternative provider to ensure that the student continues with work that is appropriate to his/her needs.

For permanent exclusions, the local authority must arrange suitable full-time education for the student to begin no later than the sixth school day of the exclusion.

### **Permanent Exclusion**

Churchdown School will only decide to permanently exclude a student as a last resort. A permanent exclusion should only be used where there has been:

- a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

If a student has been excluded for a fixed term on multiple occasions and continues to breach school rules, a permanent exclusion may be necessary.

The decision to permanently exclude a student would be taken by the Headteacher in his/her discretion.

### **Case by Case Discretion**

Any decision to exclude a student will always be lawful, rational, reasonable, fair and proportionate. Churchdown will always aim for consistency in its application of sanctions. However, the School recognises that all students are different and background circumstances can affect behaviour. Where there are concerns about a student's behaviour, the School will try to intervene early to reduce the need for exclusion. The Headteacher will consider the need for a multi-agency assessment for a student who demonstrates persistent disruptive behaviour. Where possible, all pertinent factors will be considered by the Headteacher when deciding whether or not to permanently exclude a student for example, where a student has been subject to bullying.

The School will not discriminate against students on the grounds of sex, race, disability, religion or belief, sexual orientation, pregnancy/maternity or gender reassignment.

For students who have Education Health and Care plans (EHC plans), the School will, as far as possible, avoid permanently excluding these students and any looked after child. The Headteacher will consider whether to request an emergency review for children with EHC plans at risk of exclusion.

### **Alternatives to Exclusion**

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. However, a managed move will not be used if it is judged that the student will not change his/her ways, or if the student's behaviour was likely to adversely affect the school to which the managed move was considered. The student will need to show genuine remorse and express a genuine desire to improve behaviour for a managed move to be considered.

### **Missing a public examination**

There is no automatic right for an excluded student to take an examination on the School's premises. However, where an exclusion might result in a student missing a public examination the School may consider alternatives:

- The exclusion may be rescheduled for a later date.
- The exclusion may take place as planned, but the student would be allowed to attend school just for the duration of the examination.

However, if the incident is judged to be sufficiently serious, the School may decide to enforce the exclusion and the student may have to miss some or all of his/her examinations.

### **Governing Board's role**

The Governing Board has a duty to consider the reinstatement of an excluded student if the:

- Exclusion is permanent;
- It is a fixed period exclusion that 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 exam or national curriculum test.

The Governing Board must consider reinstatement within 15 school days of receiving notice of the exclusion.

For fixed period exclusions, where a student would be excluded for more than 5 but not more than 15 school days in a term, if the parents make representations, the Governing Board must consider within 50 school days of receiving the notice of exclusion whether the student should be reinstated.

The Governing Board must consider any representations from parents in the case of a fixed period exclusion of 5 or less school days in a term but it cannot direct reinstatement.

The Governing Board may delegated its duty to consider exclusion to a smaller sub-committee. Where the Governing Board is legally required to consider the reinstatement of an excluded student, we will arrange a meeting with parents and the student who may be accompanied by a friend or representative. The Governing Board will consider the interests and circumstances of the excluded student and have regard to the interests of other students and staff at the School.

The Governing Board will consider whether the decision to exclude the student was lawful, reasonable, and procedurally fair. In reaching its decision, the Governing Board can either decline to reinstate the student or direct reinstatement. It must then notify parents, the Headteacher and the local authority of its decision and the reasons for it without delay. In the case of a permanent

exclusion, the Governing Board will include information about the parents' right to ask for the decision to be reviewed by an independent review panel.

If parents believe that there has been unlawful discrimination in relation to the exclusion then they may make a claim to the First Tier Special Educational Needs and Disability Tribunal in the case of disability discrimination, or for other forms of discrimination, to the County Court.

### **Independent Review Panel**

The School will establish an independent review panel, if requested by parents, to arrange a hearing to review the decision of the Governing Board not to reinstate a permanently excluded student. The time frame for an application is within 15 school days of notice being given by the Governing Board of its decision. A review must then take place within 15 school days of the day on which the parents' application for a review was made.

The independent review panel will be established with either 3 or 5 members including a lay member to chair the panel. Parents attending the hearing will have a right to bring a friend or to be represented at the hearing. If requested by the parents, a Special Educational Needs (SEN) expert should attend the hearing to advise on whether the School's SEN policies or the application of these policies in relation to the excluded student were lawful, reasonable, and procedurally fair. The SEN experts' role does not include assessing the student's special educational needs.

The role of the independent review panel is to review the Governing Board decision not to reinstate the excluded student. The panel can decide to:

- Uphold the Governing Board's decision;
- Recommend the Governing Board to reconsider reinstatement; or
- Quash the decision and direct the Governing Board to reconsider reinstatement.

The panel may only quash the Governing Board's decision if it considers that it was flawed when considered in light of the principles applicable on an application for judicial review.

The panel should apply the following tests:

- Illegality – did the Governing Board act outside the scope of its powers?
- Irrationality – was the decision so unreasonable that no reasonable Governing Board could make it?
- Procedural impropriety – was the Governing Board decision so procedurally flawed that justice was not done?

If the criteria for quashing the decision have not been met, the panel should consider whether it would be appropriate to recommend that the Governing Board reconsider its decision. This may be used where evidence of procedural flaws has been identified that do not meet the criteria for quashing the decision but may justify a reconsideration of the Governing Board's decision. The panel's decision can be decided by a majority vote. In the case of a tied decision, the Chair has the casting vote. The panel must notify all parties of its decision without delay.

### **Governing Board's duty to reconsider reinstatement**

Where the independent review panel directs or recommends that the Governing Board reconsider reinstatement, it will reconvene within 10 school days of notice of this decision. The Governing

Board will conscientiously reconsider reinstatement looking afresh at the question in light of the panel's findings. The Governing Board may still reach the same decision but if it refuses to reinstate the student it will need to show clear justification.

### **School register**

The Governing Board must ensure that a student's name is removed from the admissions register if:

- 15 school days have passed since the parents were notified of the Governing Board's decision not to reinstate the student and no application has been made to an independent review panel; or
- The parents have confirmed in writing that they will not be applying to an independent review panel.

Where an application to an independent review panel has been made, the review must be determined and the Governing Board will complete any reconsideration before removing a student's name from the register.