

Exclusions Policy

Southend High School for Girls Academy Trust



Southend High School for Girls Academy Trust

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Policy Aims

Southend High School for Girls aims to ensure that:

- Pupils are safe, happy and successful
- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and students
- Pupils do not become NEET (not in education, employment or training)

Legislation and statutory guidance

This policy is based on the following statutory legislation and guidance, which outlines schools' powers to exclude students and looks at parental responsibility for excluded pupils:

- Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921405/20170831_Exclusion_Stat_guidance_Web_version.pdf
- Section 52 of the Education Act 2002, as amended by the Education Act 2011 The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- [Education Act 2011 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2011/25/section/52)
- Part 7, chapter 2 of the Education and Inspections Act 2006, which Section 579 of the Education Act 1996, which defines 'school day' The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014
- [Education and Inspections Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2006/25/part/7/chapter/2)
- In addition, the policy is based on the following documents from Southend on Sea Borough Council's website:
- Southend Exclusions General Guidance and essential Info (Part 1)
- <https://www.southend.gov.uk/downloads/file/254/part-1-southend-exclusions-general-guidance-and-essential-info>
- Southend Exclusions General Guidance and essential Info (Part 2)
- <https://www.southend.gov.uk/downloads/file/255/part-2-southend-exclusions-procedures-and-protocols>

Pupils at risk of continued exclusion or permanent exclusion

For pupils at risk of continued or permanent exclusion the Pastoral Team, overseen by the Assistant Headteacher (Behaviour), will employ a range of preventative strategies, for example:

- Identification, intervention and tracking through fortnightly Head of Year meetings and half term behaviour reports.
- Internal isolation.
- Regular contact with parents/carers.
- Pupil placed on Behaviour Report
- Staff or Pupil Mentoring
- Pastoral Support Plan (PSP)
- Referral to the Early Help Team for identification of appropriate external agency support.

- Referral to the Educational Psychologist
- A Managed Move to another school (referral to the Local Authority Inclusion Panel)
- Referral to other appropriate specialist agencies

The strategy employed will depend upon the individual circumstances of the case. Where appropriate, the school will consider making reasonable adjustments in terms of the exclusions policy for pupils with disabilities.

The Decision to Exclude

“Any decision of a school, including exclusion, must be 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 a school’s wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); rational, reasonable, fair; and proportionate.” (*DfE Exclusion from maintained schools, academies and pupil referral units in England (2017)*)

Only the Headteacher can make a decision to permanently exclude a pupil.

Exclusion should be:

- in response to a serious breach or persistent breaches of the school's behaviour policy

and
- where a pupil’s behaviour means allowing the pupil to remain in school would be detrimental to the education or welfare of the pupil or others in the school

The school Consequences Ladder (**see Appendix 4**) outlines the kind of serious incidents/behaviour that may result in fixed term or permanent exclusions. This is not an exhaustive list, but gives an indication of the types of serious breaches of school discipline which may lead to exclusion.

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

- Ensure that a thorough investigation has been carried out and statements taken from those involved/witnesses.
- Allow the pupil to give their version of events
- Consider all the relevant facts and evidence
- If necessary, consult others, but not anyone who may later have a role in reviewing the Headteacher's decision, for example a member of the Governing Body.
- Consider if the pupil is a looked-after child (LAC) or is under a Child Protection Plan.

Further information can be found in the following document: The DfE document Exclusion from maintained schools, academies and pupil referral units in England (2017) (see link below)

[School suspensions and expulsions - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Permanent exclusion

Pupils may be permanently excluded for a very serious one off breach of the behaviour policy or for persistent breaches of school discipline. (See Consequences Ladder)

The Headteacher will consider alternatives to exclusion such as a managed move to another school in the following circumstances.

- The Headteacher is confident that the child does not represent a threat to the health and safety of pupils or staff at another mainstream school.
- The pupil would benefit from a move of school in order to move away from disruptive influences that may have influenced their behaviour.
- Where a single serious one off incident occurs where returning to the school may have a significant impact on another child or group of children, but in the opinion of the Headteacher is not likely to re-occur in another mainstream school.

Any managed move must meet the criteria set out in the Local Authority guidance and must be with the consent of the parent/carer and child concerned. If the managed move is unsuccessful or breaks down, the student will return to Southend High School for Girls. The pupil may face a permanent exclusion if/when the next relevant incident occurs.

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion. For Southend resident pupils sixth day and beyond provision is provided by Victory Park Academy. The Headteacher will notify Victory Park Academy immediately in order to plan for the provision of full-time education from Day 6 of the exclusion. Where a pupil has an Education, Health and Care plan or EHCP, an appropriate full time placement should be identified in consultation between the Local Authority and the parents, who retain their rights to express a preference for a school they wish their child to attend, or make representations for a placement in any other school.

Behaviour outside School

The behaviour of a pupil outside school can be considered as grounds for exclusion. This will be a matter of judgement for the Headteacher in accordance with the school's behaviour policy. Students are ambassadors for the school and are expected to behave appropriately outside the classroom environment, in a way which demonstrates the ethos of the school. This applies to journeys to and from school, behaviour on public transport, occasions when the student is off site but under the school's supervision (educational trips and visits) and at all times around the school site.

Issuing an Exclusion

Exclusion can either be a fixed term exclusion for a set number of days or a permanent exclusion. Fixed term exclusions cannot exceed a cumulative total of 45 school days in any one academic year. Lunchtime exclusions may be imposed and are counted as half a school day. The limit of 45 days applies to the pupil and not the institution. It is unlawful to impose a fixed period exclusion for an indefinite period.

In exceptional circumstances, usually where further evidence has come to light, a fixed period exclusion may be extended by issuing a further fixed period exclusion to begin immediately

after the first period ends. In addition, a permanent exclusion can be issued to begin immediately after the end of the fixed period in exceptional circumstances. In both circumstances a new exclusion letter must be sent outlining the reasons.

A pupil at risk of permanent exclusion can also transfer to another school as part of a managed move where this occurs with the consent of the parties involved, including the parents.

Any exclusion of a pupil will be formally recorded by the Assistant Headteacher (Behaviour).

Informing parents

The Headteacher will provide the following information, in writing, to the parents of an excluded pupil. Where possible, the parent will be notified by telephone, followed by a letter.

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.
- The Headteacher will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

The exclusion letter to parents can be found in **Appendix 1**.

Reporting the Exclusion

The Headteacher will immediately notify the Governing Body and the Local Authority of:

- a permanent exclusion (if a permanent exclusion and the pupil is resident in another local authority area then the home local authority will also be notified)
- exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term
- exclusions which would result in the pupil missing a public examination

Schools must contact Southend-on-Sea Borough Council's Inclusion Team and Victory Park Academy immediately when taking the decision to exclude permanently and a copy of the letter to parents must be sent by email to inclusion@southend.gov.uk

For all other exclusions, the Headteacher will notify the local authority and governing body once a term and all exclusions will be recorded on SIMS.

During the exclusion

Parents are responsible for their child's behaviour and welfare during the term of their exclusion from school and are expected to ensure that they are in a supervised environment during normal school hours. Pupils should not attend school or be present on the school site during the term of their exclusion. Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit. Southend High School for Girls will take reasonable steps to set and mark work for pupils during the first five days of exclusion. The organisation and provision of work from the sixth day onwards of a permanent exclusion is the responsibility of the Local Authority. Support will be offered and wellbeing checks will be carried out (where possible) where a student is experiencing mental health issues.

The Governing Body's Duty to Consider an Exclusion

The Governing Body has a duty to consider parents' representations about an exclusion. The requirements on a governing body to consider an exclusion depend upon a number of factors (these requirements are illustrated by the diagram in Appendix 2)

The Governing Body may delegate their functions with respect to the consideration of an exclusion decision to a designated sub-committee consisting of at least three governors.

The Governing Body must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:

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

If requested to do so by the parents, the Governing Body must consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than five school days, but not more than 15, in a single term.

Where the Governing Body is legally required to consider reinstating an excluded pupil they must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. (see paragraph 63 of the DfE Guidance, which is a mandatory requirement on the Governing Body)

In reaching a decision, the committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The committee chair of the governing board will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the committee's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA/academy trust to appoint an SEN expert to attend the review
 - Details of the role of the SEN expert and that there would be no cost to parents for this appointment
 - That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
 - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

Independent Reviews

If parents apply for an independent review, the LA/academy trust will arrange for an independent panel to review the decision of the Governing Body not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the committee of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors category and 2 members will come from the Headteacher category.

A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer

School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Headteachers during this time

Headteachers or individuals who have been a headteacher within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a [member/director] of the [LA/academy trust], or governing board of the excluding school

- Are the Headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the [LA/academy trust], or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the [LA/academy trust], school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (**see Appendix 3 for what training must cover**)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the Governing Body's decision
- Recommend that the Governing Body reconsiders reinstatement
- Quash the Governing Body's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed when considered in light of the principles applicable on an application for judicial review).

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

School registers

A pupil's name will be removed from the school admissions register if:

15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or

The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

Re-integration following a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, the Headteacher and the student's Pastoral Support Officer or other staff, where appropriate. The purpose of the reintegration meeting is to assist with the positive reengagement of the student and promote the improvement of behaviour. This would ordinarily involve the student being placed on a Pastoral Support Plan for at least an academic term.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- Agreeing a Pastoral Support Plan
- Putting a pupil 'on behaviour report'
- Internal isolation

Participation in Educational Trips and Visits

The decision to allow a student to participate in future educational trips and visits following a fixed term exclusion will be at the Headteacher's discretion.

Looked after children

As far as possible, schools should avoid permanently excluding looked after children. Where a school does have concerns about the behaviour of a looked after child, it should co-operate proactively with foster carers or children's home workers and the local authority that looks after the child. It should also consider what additional support or alternative placement may be required. The Personal Education Plan should be reviewed. Full-time education should be put in place from day 1.

Pupils with Special Educational Needs.

Guidance is that schools should as far as possible avoid permanently excluding students with an EHCP. Where the school reaches the view that a pupil with an Education, Health and Care plan (EHCP) is at the point of permanent exclusion, an emergency annual review will be initiated, ensuring that the Educational Psychologist and the Local Authority SEND Manager are invited.

Monitoring arrangements

The Assistant Headteacher (Behaviour) monitors the number of exclusions every term and reports back to the Senior Leadership Team and Governors.

INSET Days and Staff Training Days

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

Off-rolling

Southend High School for Girls is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

"...the practice of removing a pupil 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 pupil."

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Links with other policies

This exclusions policy is linked to the following school policies:

- Behaviour and Rewards policy
- SEN policy and information report
- Child protection and Safeguarding Policy
- Attendance Policy
- Exclusions Guidance

Appendix 1 Exclusion Letter to parents

Parent(s) name(s) Address

Dear

date

Fixed Term Exclusion – Days

I am writing to inform you of my decision to exclude student name for a fixed period of five days. This means that she will not be allowed in school for this period. The exclusion begins on date and ends on date. Your daughter should return to school on date. A meeting will be arranged for date to discuss Student name's behaviour with me.

I realise that this exclusion will be upsetting for you and your family, but my decision to exclude Student name has not been taken lightly.

As explained in our meeting, Student name has been excluded for this fixed period reason/s for exclusion.

You have a duty to ensure that your daughter is not present in a public place in school hours during this exclusion unless there is reasonable justification for this. I must warn you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for Student name to be completed on the days specified above, please ensure that work set by the school is completed and returned for marking.

You have a right to make a written statement to the governing body. If you wish to do so, please contact Mrs A Clarke, Southend High School for Girls, telephone: 01702 588852 or email: aclarke@shsg.org as soon as possible. Whilst the governing body has no power to direct

reinstatement, they must consider any representations you make and may place a copy of their findings on your daughter's school record.

You should also be aware that if you think this exclusion relates to a disability your daughter has, and you think disability discrimination has occurred, you have the right to appeal, and or make a claim, to the First Tier Tribunal (Special Educational Needs and Disability)

<http://www.justice.gov.uk/tribunals/send>. Making a claim would not affect your right to make representations to the discipline committee.

You also have the right to see a copy of your daughter's school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of Student name's school record. There may be a charge for photocopying.

You may wish to contact the Inclusion Service for advice at inclusion@southend.gov.uk or the Information

Advice and Support Service for pupils with Special Educational Needs on 01702 534793.

You may also find it useful to contact the Coram Children's Legal Centre
www.childrenslegalcentre.com

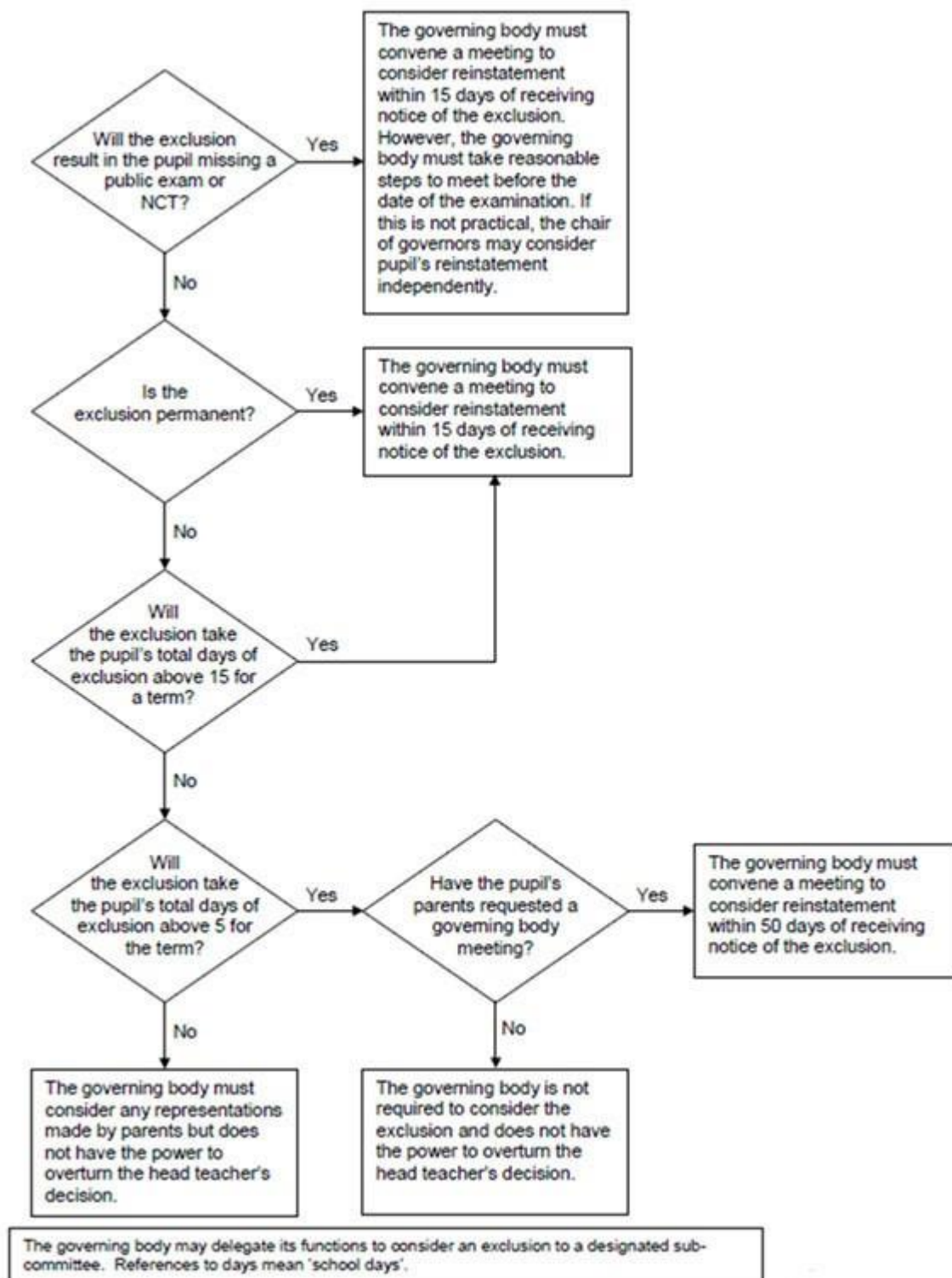
0808 802 0008, or ACE Education www.aceed.org.uk and their advice line service on 03000 115142 on Monday to Wednesday from 10am to 1 pm during term time). They aim to provide free legal advice and information to parents on state education matters.

Yours sincerely


Mr J Carey

Headteacher

Appendix 2 Summary of the Governing Body's Duties to Review the Headteacher's Exclusion Decision



Appendix 3 Consequences Ladder

 CONSEQUENCE LADDER		
BEHAVIOUR TYPE	CONSEQUENCE	POINTS
<ul style="list-style-type: none"> Low level disruption in class Second low level disruption in class Failure to meet uniform expectations Inadequately prepared for lessons Late to registration or a lesson Eating outside of a designated area Littering Chewing gum in school or on a trip Disrespectful behaviour towards another student Phone goes off in lesson or other time Failure to follow school procedures Failure to sign in for private study Failure to follow one way systems 	<ul style="list-style-type: none"> Verbal warning - recorded on SMHW by teacher/PSO 	1
<ul style="list-style-type: none"> Repeated low level disruption in the same lesson Failure to complete a homework task Failure to put enough effort into homework or class work Disruptive behaviour around school Disrespectful behaviour towards a staff member Plagiarism of work where student who copied admits it Bullying – antagonistic (verbally/social media) If 5 single behaviour points have been accrued 	<ul style="list-style-type: none"> 30 minute detention task set - recorded on SMHW by HoY or HoD 	2
<ul style="list-style-type: none"> Repeated offences (escalation) e.g. repeated failure to complete homework Damaging the school's reputation e.g. causing disruption in public Vandalism – intentional, low level Defiance – refusal to follow instruction Dishonesty Inappropriate mobile phone use – using without permission whilst in school Failure to sign out Plagiarism of work where neither student admits it/cheating Plagiarism of work during internal examination where student admits it Bullying – persistent and continued antagonism (verbally/social media) Inappropriate language used in school If 10 single behaviour points have been accrued 	<ul style="list-style-type: none"> 1 hour detention task set and recorded on SMHW by HoY or HoD Possible report issued by HoY or HoD/DoF Parent will be contacted 	3
<ul style="list-style-type: none"> Acting, whilst in school, in such a way as to prejudice the safety and education of another student/member of staff e.g. racist, homophobic, transphobic, disability, bullying, sexist or abuse Vandalism – intentional and significant Defiance – persistent instances with same staff member Dishonesty – where this puts others at risk Inappropriate technology/mobile phone use – recording of students or staff in school Truancy Possession of cigarettes or alcohol on school premises or school trip Physical aggression towards another student, member of staff or member of the public (not premeditated) Examination malpractice e.g. plagiarism of coursework or work during mock examination where student admits it/cheating Plagiarism of work during internal examinations where neither student admits it Bullying – direct threats of physical harm (verbally or social media) 	<ul style="list-style-type: none"> Meeting with HT and relevant SLT link parents must attend. Internal exclusion. HT to decide number of days 	4
<ul style="list-style-type: none"> Sexual activity on site or school trip An act which brings the school into disrepute Defiance - persistent instances with multiple staff members Consumption of cigarettes or alcohol on school premises or school trip 	<ul style="list-style-type: none"> Meeting with HT and relevant SLT link parents must attend 	5
<ul style="list-style-type: none"> Highly offensive or inappropriate language and/or lesson disruption Acting, whilst in school, in such a way as to prejudice the safety and education of another student/member of staff e.g. racist, homophobic, transphobic, disability, bullying, sexist or abuse Bringing a knife or offensive weapon to school Extortion Sexting Physical aggression towards another student, member of staff or member of the public (pre-meditated) Theft Possession of, consumption of or intent to supply drugs on school premises or school trip Sexual violence or harassment 	<ul style="list-style-type: none"> External exclusion. HT to decide number of days Some offences at level 5 could lead to permanent exclusion 	

BEHAVIOUR POLICY MAY 2021 A. LEAMAN/A. BARNETT

MISCONDUCT

SERIOUS MISCONDUCT

GROSS MISCONDUCT

ILLEGAL ACTIVITY

The above is a guide and the Headteacher reserves the right to match the consequence they feel is best suited on a case by case basis

Appendix 4 Independent review panel training

The [LA/academy trust] must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act