



HONYWOOD SCHOOL

POLICY DOCUMENT

Exclusion Policy

Approved: Tim Styles (Chair of Governors)
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Summary

This policy is intended to act upon the latest guidance available from the Department for Education and published on:

<https://www.gov.uk/school-discipline-exclusions/exclusions>

The guidance is reviewed from time to time and this policy will be reviewed in light of further changes to the guidance. However, there could be situations where the guidance is updated and there is a time delay before the Governing Body of Honywood School reviews and adapts this policy. In such cases, it should be assumed that the Exclusion Policy will follow the latest guidance available from the Department for Education.

The Exclusion Policy should be read in conjunction with the school's Behaviour Management and Bullying Policy which aims to set out clearly and simply the principles, methods and monitoring systems which together seek to ensure that learners at Honywood School treat each other with respect and consideration, develop a sense of responsibility and exercise self-discipline. In doing so, good order and appropriate behaviour will be maintained within the school as a whole.

The school's Behaviour Management and Bullying Policy can be found under the policy section of the school website.

It should also be noted that any revisions or amendments that are made to the Behaviour Management and Bullying Policy automatically apply to the Exclusion Policy.

1. Reasons for permanent exclusion

Only the headteacher, or acting headteacher, can exclude a learner from school. A permanent exclusion is generally taken as a last resort. General examples of when the head teacher, or acting headteacher, could lawfully exclude a child are:

- Repeated failure to follow academic instruction.
- Failure to complete a behavioural sanction, e.g. a detention.
- Repeated and persistent breaches of the school's Behaviour Management and Bullying Policy. Even if the offence that has immediately led to the exclusion would not normally have constituted a serious enough breach on its own, a child can still be excluded if it is part of a wider pattern of behaviour.
- Unacceptable behaviour out of school, including but not limited to, behaviour of learners whilst on any trip organised by the school or whilst in the wider community. This can include any unacceptable behaviour exhibited by a learner whilst they are wearing their school uniform (and thus representing the school).

Behaviour that is considered to be unacceptable can be dealt with as if it had taken place in school.

As a matter of principle the school does not link specific consequences to specific misdemeanours, as we appreciate that each incident can have different circumstances. However, there are serious breaches of our core values to which certain non-negotiable consequences are usually attached. At Honywood School, the following actions will normally result in suspension at the very least (an escalation of consequence for repeated offences may be implemented):

- Violence (verbal and/or physical) towards other learners
- Abuse of staff
- Possession/use of alcohol or solvents
- Bringing into school an item which could be classed as an offensive weapon
- Persistent breaches of discipline

The examples given above are to help parents/carers understand the events that could lead to the decision to exclude. This is not an exhaustive list and each individual situation will be considered on a case-by-case basis.

Once the decision to exclude has been made, the school will aim to inform parents/carers as soon as possible. This may be through a phone call, email, letter, or face to face meeting.

2. Types of Exclusion - suspension or permanent

When reaching the decision to suspend a child, the head teacher will apply the civil standard of proof, i.e. 'on the balance of probabilities', which means it is more likely than not that a fact is true. The headteacher does not need to prove conclusively the specifics of an incident before excluding a learner in order to meet the legal 'burden of proof' requirement that is applied in courts of law.

2.1. Suspension

A suspension is for a specific period of time (up to a maximum of 5 days). A learner may be suspended for one or more fixed periods (up to a maximum of **45 school days** in a single academic year or 15 days in a school term). The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion.

In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.

Learners whose lunchtime behaviour is disruptive may be suspended from the school premises for the duration of the lunchtime period. An exclusion that takes place over lunchtime would be counted as half a school day. The legal requirements relating to exclusion, such as the headteacher's duty to notify parents/carers, apply in all cases.

If a learner has been excluded for a fixed period, schools should set and mark work for the first 5 school days. If the exclusion is longer than 5 school days, the school must arrange suitable full-time education from the sixth school day, e.g. at a learner Referral Unit (PRU).

2.2. Permanent Exclusion

A permanent exclusion involves the learner being removed from the school roll. However, the headteacher must not remove a learner's name from the school Admissions Register until the outcome of an Independent Review Panel (if this route is followed by parents/carers).

Permanent Exclusion is never a decision the school makes lightly. However, a learner can be excluded as a consequence for an incident/behaviour that occurs outside of school as well as in school. Permanent Exclusion will always be likely in (but not limited to) the following circumstances:

- Possession/possession with intent to supply/use of illegal substances
- Violence towards staff
- Actions causing gross offence to staff and/or learners, such that continued membership of the school community would be intolerable
- Violence to other learners that impacts significantly on their welfare or is persistent
- Persistent disruption, jeopardising the education of learners and not responding to other measures

3. Searches

Searching can play a critical role in ensuring that schools are safe environments for all learners and staff. It is a vital measure to safeguard and promote staff and learner welfare, and to maintain high standards of behaviour through which learners can learn and thrive. An exclusion can take place as the result of searching a learner.

3.1. Prohibited items

Headteachers and staff they authorise have a statutory power to search a learner and/or their possessions where they have reasonable grounds to suspect that the learner may be in possession of a prohibited item listed below or any other item that the school rules identify as an item which may be searched for.

The list of prohibited items is as follows:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- any article that the member of staff reasonably suspects has been, or is likely to be, used:
 - to commit an offence, or
 - to cause personal injury to, or damage to the property of, any person (including the learner)
- an article specified in regulations (*Searching, Screening & Confiscation: Advice for Schools (July 2022)*)
 - tobacco and cigarette papers
 - fireworks
 - pornographic images
- Other items specified below
 - Vape pens and smoking paraphernalia

Under common law, school staff have the power to search a learner for any item in the above list. The member of staff should ensure the learner understands the reason for the search and how it will be conducted.

When exercising our powers, the schools will consider the age and needs of learners being searched or screened. This includes the individual needs or learning difficulties of learners with Special Educational Needs (SEN) and the reasonable adjustments that may be required where a learner has a disability. School staff may use CCTV footage to decide whether to conduct a search for an item.

The Designated Safeguarding Lead (or deputy) will be informed of any searching incidents where the member of staff has reasonable grounds to suspect a learner is in possession of a prohibited item as listed above. The staff member will also involve the Designated Safeguarding Lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk.

The school does not need a learner's consent to search them if the school thinks they may be in possession of prohibited items, including (but not limited to):

- weapons, e.g. knives
- alcohol
- illegal drugs
- stolen goods
- vape pens & tobacco products, e.g. cigarettes
- pornographic images (of any kind, e.g. tabloid topless pictures and 'lads' mags as well as extreme adult material)
- fireworks
- anything that has been, or is likely to be, used to cause injury or commit an offence

- anything banned in the school rules

3.2. Before a search

Before any search takes place, the member of staff conducting the search should explain to the learner why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions.

The authorised member of staff should always seek the cooperation of the learner before conducting a search. If the learner is not willing to cooperate with the search, the member of staff should consider why this is.

Reasons for a search might include that the learner is:

- is in possession of a prohibited item
- does not understand the instruction
- is unaware of what a search may involve
- has had a previous distressing experience of being searched

If a learner continues to refuse to cooperate, the member of staff may sanction the learner in line with the school's behaviour policy, ensuring that they (i.e. the member of staff) are responding to misbehaviour consistently and fairly.

If the member of staff still considers a search to be necessary, but is not required urgently, they should seek the advice of the headteacher, designated safeguarding lead (or deputy) or pastoral member of staff who may have more information about the learner. During this time the learner should be supervised and kept away from other learners.

If the learner still refuses to cooperate, the member of staff should assess whether it is appropriate to use reasonable force to conduct the search. A member of staff can use such force as is reasonable to search for any prohibited items identified above, but not to search for items which are identified only in the school rules.

The decision to use reasonable force should be made on a case-by-case basis. The member of staff should consider whether conducting the search will prevent the learner harming themselves or others, damaging property or from causing disorder. It should be noted that the use of reasonable force will differ depending on whether the member of staff is searching possessions or the learner themselves.

3.3. During a search

The law states the member of staff conducting the search must be of the same sex as the learner being searched. There must be another member of staff present as a witness to the search. There is a limited exception to this rule. This is that a member of staff can search a learner of the opposite sex and/or without a witness present only:

- if the member of staff carrying out the search reasonably believes there is risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency; and
- in the time available, it is not reasonably practicable for the search to be carried out by a member of staff who is the same sex as the learner or it is not reasonably practicable for the search to be carried out in the presence of another member of staff.

When a member of staff conducts a search without a witness they should immediately report this to another member of staff, and ensure a record of the search is kept.

A member of staff may search a learner's outer clothing, pockets, possessions, desks or lockers. The person conducting the search must not require the learner to remove any clothing other than outer clothing. 'Outer clothing' means any item of clothing that is not worn wholly next to the skin or is immediately over a garment that is being worn as underwear, as well as hats, shoes, boots or scarves. 'Possessions' means any goods over which the learner has or appears to have control - this includes desks, lockers and bags.

A learner's possessions can only be searched in the presence of the learner and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff. The member of staff may use a metal detector to assist with the search.

3.4. Strip searching

The member of staff's power to search outlined above does not enable them to conduct a strip search.

A strip search is a search involving the removal of more than outer clothing. Strip searches on school premises can only be carried out by police officers under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with the Police and Criminal Evidence Act 1984 (PACE) Code C. While the decision to undertake the strip search itself and its conduct are police matters, school staff retain a duty of care to the learner(s) involved and should advocate for learner wellbeing at all times.

Before calling police into school, staff should assess and balance the risk of a potential strip search on the learner's mental and physical wellbeing and the risk of not recovering the suspected item. Staff should consider whether introducing the potential for a strip search through police involvement is absolutely necessary, and should always ensure that other appropriate, less invasive approaches have been exhausted. Once the police are on school premises, the decision on whether to conduct a strip search lies solely with them, and the role of the school is to advocate for the safety and wellbeing of the learner(s) involved.

Unless there is an immediate risk of harm and where reasonably possible, staff should inform the parent/carer of the learner suspected of concealing an item in advance of the search, even if the parent/carer is not acting as the appropriate adult.

Parents/carers should always be informed by a staff member once a strip search has taken place. Schools should keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge.

3.5. After a search

Whether or not any items have been found as a result of any search, schools should consider whether the reasons for the search, the search itself, or the outcome of the search give cause to suspect that the learner is suffering, or is likely to suffer harm, and/or whether any specific support is needed. Where this may be the case, school staff should follow the school's child protection policy and speak to the designated safeguarding lead (or deputy) as set out in Part 1 of Keeping Children Safe in Education. They will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.

If any prohibited items are found during the search, the member of staff should follow the guidance on confiscation. If a learner is found to be in possession of a prohibited item listed above, then the staff member should alert the designated safeguarding lead (or deputy) and the learner should be sanctioned in line with the school's behaviour policy to ensure consistency of approach.

3.6. Recording searches

Any search by a member of staff for a prohibited item listed above and all searches conducted by police officers should be recorded in the school's safeguarding reporting system, including whether or not an item is found. This will allow the designated safeguarding lead (or deputy) to identify possible risks and initiate a safeguarding response if required.

3.7. Confiscation of items found as a result of a search

An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting:

- poses a risk to staff or learners;
- is prohibited, or identified in the school rules for which a search can be made; or
- the item is evidence in relation to an offence.

The school can choose to hand any confiscated items to the Police should they feel it is an appropriate action.

3.8. Electronic devices

Electronic devices, including mobile phones, can contain files or data which relate to an offence, or which may cause harm to another person. This includes, but is not limited to, indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected criminal behaviour.

As with all prohibited items, staff should first consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect are likely to put a person at risk.

Staff may examine any data or files on an electronic device they have confiscated as a result of a search, if there is good reason to do so.

3.9. Confiscation as a disciplinary penalty

Schools' general power to discipline enables a member of staff to confiscate, retain or dispose of a learner's property as a disciplinary penalty, where reasonable to do so.

The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

3.10. Reasonable force

The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with learners.

Reasonable force is usually used either to control or restrain. This can range from guiding a learner to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.

'Reasonable in the circumstances' means using no more force than is needed.

Schools generally use reasonable force to control learners and to restrain them. Control means either passive physical contact, such as standing between learners or blocking a learner's path, or active physical contact such as leading a learner by the arm out of a classroom.

Restraint means to hold back physically or to bring a learner under control. It is typically used in more extreme circumstances, for example when two learners are fighting and refuse to separate without physical intervention.

School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the learner.

3.11. Complaining about a search

If a parent/carer is unhappy with a search carried out on their child at school, they should talk to the headteacher. If the parent/carer is still not satisfied, they should follow the school complaints procedure.

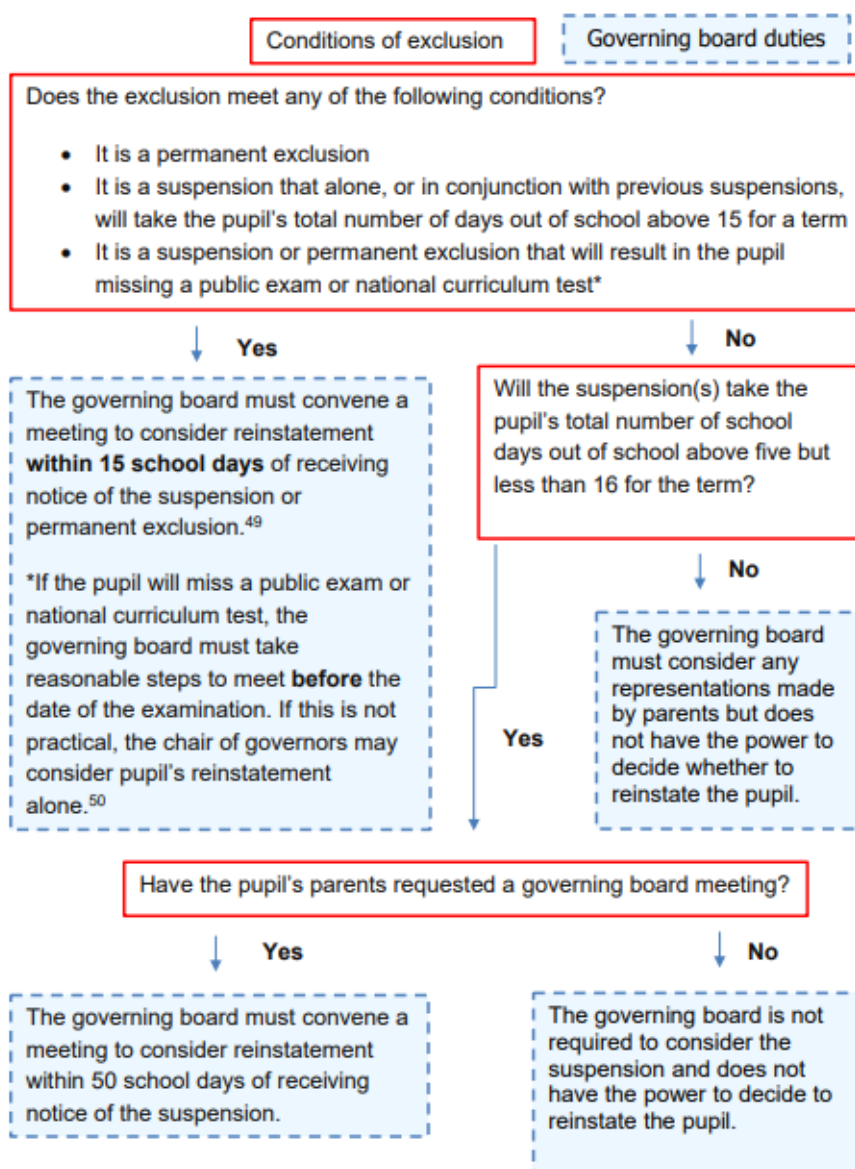
4. What parents/carers need to do when their child is excluded from school

During the first 5 days of a period of exclusion (whether fixed-term or permanent), the parents/carers of an excluded learner must make sure that the learner is not present in a public place during school hours, unless there is a reasonable justification. Failure to comply with this is an offence, and parents may be given a fixed fine of £60.

5. Appeals Process

The right to appeal is outlined in the flowchart below:

A summary of the governing board's duties to review the headteacher's exclusion decision



⁴⁹ The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

⁵⁰ The ability for a chair to review in the case of public exams refers only to maintained schools.

5.1. Suspension

A suspension can only be appealed if -

- It is a suspension that alone, or in conjunction with previous suspensions, will take the learner's total number of days out of school above 15 for a term
- It is a suspension or permanent exclusion that will result in the learner missing a public exam or national curriculum test*
- The suspension(s) take the learner's total number of school days out of school above five but less than 16 for the term

*If the pupil will miss a public exam or national curriculum test, the governing board must take reasonable steps to meet before the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone

5.2. Permanent Exclusion

Parents/Carers will receive a letter from the Headteacher informing them of the school's decision to permanently exclude their child. Within this letter parents/carers will be invited to an Independent Review Panel meeting with the school's governors. This will happen within 15 school days of the decision to permanently exclude unless there are exceptional circumstances.

If the governors do not overturn the exclusion, parents/carers can ask for an independent review by the academy trust. The governors will explain how to do this when they confirm in writing their decision to uphold the permanent exclusion.

If, after the second appeal to the academy trust, the child is still excluded, parents/carers can ask the Education Skills and Funding Agency to look into whether the case was handled properly. They cannot overturn the exclusion.

5.3. Off-Rolling

Telling or forcing a learner to leave school, or not allowing them to attend school, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a learner is made to leave school, or forbidden from attending school, on disciplinary grounds, this must be done in accordance with the exclusion policy.

Suspending a learner for a short period of time, such as half a day, is permissible, however, the formal suspension process must be followed. Each disciplinary suspension and permanent exclusion must be confirmed to the parents in writing with notice of the reasons for the suspension or permanent exclusion.

Any exclusion of a learner, even for short periods, must be formally recorded. It would also be unlawful to exclude a learner simply because they have SEN or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; or the failure of a learner to meet specific conditions before they

are reinstated, such as to attend a reintegration meeting. If any of these unlawful exclusions are carried out and lead to the deletion of a learner's name from the register, this is known as 'off-rolling'.

6. Discrimination and other complaints

Parents/Carers can make a claim to a court or a tribunal if they think their child has been discriminated against. They need to do this within 6 months of the decision to exclude.

Parents/Carers can contact the Equality Advisory Support Service for help and advice. For more general complaints (e.g. if parents/carers do not want to challenge the exclusion but are not happy with the way the school handled it), they should follow the school complaints process.

7. Alternative Education after Permanent Exclusion

The school or Local Authority will inform parents/carers about the alternative education provision that has been arranged. This is most commonly a learner Referral Unit (PRU). It is the responsibility of parents/carers to ensure their child attends.

If alternative education is not arranged within 5 days, or parents/carers are not happy with the alternative education offered, parents/carers can complain to:

- The school, for **suspensions**
- The Local Authority, for **permanent exclusions**

If parents/carers are not happy with the response, parents/carers can complain to the Department for Education (DfE).

Evidence will be needed to show that the school or Local Authority complaints procedure has been followed.

8. Reintegration after suspensions

When deemed appropriate by the school, a reintegration meeting following the expiry of a suspension will be arranged by the school prior to a learner returning from a period of suspension. The meeting will routinely, but not always, take place in the morning of the learner's first day back in school. During the meeting efforts will be made to discuss the reasons for the most recent exclusion and what the school, the learner and the family/carers can do to prevent another period of suspension from school.

Where the suspension has been less than 5 days and the learner refuses to engage in the reintegration process the suspension may be extended by another day.

9. Police

For any unlawful incident in the school or that the school becomes aware of, the school reserves the right, and in some instances may be legally obliged, to inform the police. This is irrespective of whether the incident warrants a consequence from the school or not.

10. Absence not counted as exclusion

A learner may be sent home to rectify a breach of the dress code. Such an absence will be regarded as an authorised absence and not an exclusion. In such cases, parents or carers will be informed before the learner is sent off the school premises to rectify and correct their uniform. Learners are expected to return to school the same day, if reasonably practicable, once they have rectified their dress code.

11. Other considerations

The school will implement its Exclusion Policy and Behaviour Management and Bullying Policy with due regard to the implications arising from the Special Educational Needs and Disability Act 2001, the Race Relations (Amendment) Act 2000, the Human Rights Act 1998, Equality Act 2010, Behaviour and Discipline in Schools July 2013 and Suspension and Permanent Exclusion from maintained schools, academies and learner referral units in England, including learner movement Guidance for maintained schools, academies, and learner referral units in England (September 2022).