



HONYWOOD SCHOOL

POLICY DOCUMENT

Exclusion Policy

Approved: T Styles (Chair of Governors)

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Honywood School

Exclusion Policy

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

<https://www.honywoodschool.com/about-us-2/school-policies-2/>.

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 Exclusion

Only the headteacher, or acting headteacher, can exclude a pupil 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 a fixed term exclusion 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

There are 2 kinds of exclusion - fixed term (up to a maximum of 5 days) and permanent.

When reaching the decision to exclude 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.

(i) Fixed Term Exclusion

A fixed term exclusion is for a specific period of time (up to a maximum of 5 days). A learner may be excluded for one or more fixed periods (up to a maximum of **45 school**

days in a single academic year). The law does not allow for extending a fixed-period exclusion or 'converting' a fixed-period exclusion into a permanent exclusion.

In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion 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 excluded from the school premises for the duration of the lunchtime period. An exclusion that takes place over a 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 Pupil Referral Unit (PRU).

(ii) **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 regarded as the very last resort. However, it 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

An Exclusion can take place as the result of searching a learner. The Behaviour Management and Bullying Policy covers the topic of searching learners and should always be read in conjunction with the Exclusion Policy.

(i) Consent

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
- 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

(ii) **Legal requirements for a search**

There should normally be 2 members of staff present during the search - the person doing the search and a witness. Searches should normally be done by someone the same sex as the birth sex of the learner. The search witness should also be the same sex as the birth sex of the learner if possible.

The learner must not be asked to remove clothes, other than outer clothing such as their coat/jumper/shoes.

If there is a risk of serious harm to a person if the search is not conducted immediately, a learner may be searched by a person of the opposite sex and without another member of staff present.

(iii) **Use of reasonable force**

Staff have the right to use reasonable force in certain circumstances. This is largely up to the member of staff to determine, but in general reasonable force should only be used when a learner is putting themselves or others in immediate danger.

Reasonable adjustments will always be made when appropriate for learners with disabilities and/or special educational needs (SEND).

Parental consent is not required in order to use reasonable force on a learner. If reasonable force is used, then this must be logged, and parents/carers informed.

Reasonable force may also be used to search a learner, if there is suspicion that the learner has any of the items from the prohibited list above in their possession.

(iv) **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 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

(i) **Fixed Term Exclusion**

There is no right to appeal a fixed term exclusion. The headteacher's decision is final and cannot be overturned.

(ii) **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.

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 Pupil 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 **fixed period** exclusions
- 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 fixed term exclusion

A reintegration meeting following the expiry of a fixed term exclusion will be arranged by the school prior to a learner returning from a period of exclusion. 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 exclusion from school.

Where the exclusion has been less than 5 days and the learner refuses to engage in the reintegration process the exclusion 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 severe 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.

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 any other relevant legislation.