

## Exclusion Policy

<b>Review Date</b>	November 2023	<b>Next Review by Date</b>	November 2024
<b>Reviewed By</b>	Headteacher		
<b>Approved by Governing Body</b>	December 2023		

### Rationale

Pathways Education has the highest concern for the safety and wellbeing of the whole school community, and we work hard to ensure that our ethos and environment supports student learning and success. We are committed to valuing inclusion and equality of opportunity. We aim to create and promote an environment in which young people, parents/carers and staff are treated fairly and with respect, and feel able to contribute to the best of their abilities. We seek to avoid exclusions. They take place only for the most serious incidents that lead us to conclude that our school is not able to meet the learners needs or is the inappropriate environment.

### Aims

This policy outlines the school's use of exclusions and should be read in conjunction with our Behaviour and Relationship policy.

The aims of this policy are to:

- Help all stakeholders understand the exclusions process
- Ensure they are carried out lawfully
- Provide the necessary steps and appropriate support that must be taken in the case of an exclusion

- Ensure that the exclusions process is applied fairly and consistently
- Prevent student from becoming NEET (Not in Education, Employment or Training)

## Off-rolling

'Off-rolling' is a form of gaming and occurs where a school makes the decision, in the interests of the school and not the pupil, to:

- Remove a pupil from the school roll without a formal, permanent exclusion, or
- Encourage a parent to remove their child from the school roll, or
- Retain a pupil on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension

Accordingly, we will not suspend or exclude a pupil unlawfully by telling or forcing them to leave, or not allowing them to attend school without following the statutory procedure contained in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event.

Any suspension or exclusion will be made on disciplinary grounds, and will not be made:

- Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- Due to a pupil's poor academic performance, or
- Because the pupil hasn't met a specific condition, such as attending a reintegration meeting

If any pupil is suspended or excluded on the above grounds, this will also be considered as 'off-rolling'.

## Legislation and Statutory Guidance

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023](#).

- It is based on the following legislation, which outlines schools' powers to exclude pupils:

- o Section 51a of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- o [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)

In addition, the policy is based on:

- o Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded pupils
- o Section 579 of the [Education Act 1996](#), which defines ‘school day’
- o 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](#)
- o [The Equality Act 2010](#)
- o [Children and Families Act 2014](#)
- o The [School Inspection Handbook](#), which defines ‘off-rolling’

This policy complies with our funding agreement and articles of association.

## Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a ‘fixed-term exclusion’.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an ‘exclusion’.

Parent – any person who has parental responsibility and any person who has care of the child.

Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

## Partnership with families

Parents/carers working in partnership with the school consistently reinforcing the school's expectations is an important factor in every young person's success. At Pathways Education, we will work in partnership with parents/carers to ensure that expectations are clear and parents/carers can reinforce them with their young person. This includes ensuring that parents/carers are kept informed about decisions made in response to a young person's inappropriate behaviour so that we can work together in the best interests of young person and to ensure expectations for behaviour are made clear. The school is responsible for communicating to young person's parents/carers and staff its expectations of standards of conduct.

## Managing Behaviour Problems

Our approach is Trauma-informed and the behaviour strategies we employ are comprehensive. We recognise that certain behaviours can sometimes be symptomatic of a real, deeper need for our support and understanding. All young people can go through times of inappropriate behaviour, and we strive to never "give up" easily on a young person as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this. We conduct risk assessments for all children before they begin with us and these are updated as appropriate to reduce risk (please see Risk Assessment Policy). We will use behaviour data to assess patterns of challenging behaviour. Where patterns emerge, we will systematically intervene, drawing up an action plan with the young person, parent/carer and teacher. Our approach to behaviour is detailed in the Behaviour & Relationship Policy. No exclusion will be initiated without first attempting other strategies or, in the case of a serious single incident, a detailed staff debrief, followed by consultation with the CEO.

## The Headteacher

Only the headteacher, or acting headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The headteacher will only use permanent exclusion as a last resort.

A decision to suspend or exclude a pupil will be taken only:

- o In response to serious or persistent breaches of the school's behaviour policy, **and**
- o If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend or exclude a pupil, the headteacher will:

- o Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- o Allow the pupil to give their version of events
- o Consider whether the pupil has special educational needs (SEN)
- o Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- o Consider whether all alternative solutions have been explored, such as off-site direction or managed moves

The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The headteacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

## Informing Parents

If a pupil is at risk of suspension or exclusion the headteacher will inform the parents/pupil as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

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If the headteacher decides to suspend or exclude a pupil, the parents/pupil will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents will also be provided with the following information:

- o The reason(s) for the suspension or permanent exclusion

- o The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- o Information about the parents' right to make representations about the suspension or permanent exclusion to the governing board and, where the pupil is attending alongside parents, how they may be involved in this
- o How any representations should be made
- o Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- o That parents have the right to request that the meetings be held remotely, and how and to whom they should make this request

## **Informing the governing board**

The headteacher will, without delay, notify the governing board of:

- o Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- o Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- o Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam
- o Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation

## **Informing the local authority (LA)**

The headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- o The reason(s) for the suspension or permanent exclusion
- o The length of a suspension or, for a permanent exclusion, the fact that it is permanent

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

The headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

## Reasons to Exclude

A decision to exclude a young person, either internally, for a fixed period or permanently is seen as an absolute last resort by the school. The physical and emotional health of our young people and staff is our primary concern, and we therefore accept, that in some serious situations, exclusion may be necessary, if all other strategies have been exhausted. The decision to exclude will usually follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of school rules and policies or a disciplinary offence such as:

- Serious actual or threatened violence against another young person or a member of staff.
- Possession or use of an illegal drug on school premises.
- Possession of/bringing a weapon on to school premises.
- Persistent bullying.
- Persistent prejudice-based harassment or hate-based acts.
- Ongoing refusal to engage in learning and deliberately sabotaging the rest of the young person's learning.
- Damage to school property

A decision to permanently exclude a student will only be taken:

- In response to a serious breach, or persistent breaches of the school's behaviour policy.
- Where allowing the student to remain in school would seriously harm the safety and welfare of the students or others in school.

Any exclusion will be at the decision of the Headteacher, in consultation the CEO and with other members of the school team (particularly if they were involved in debriefing the incident).

## The length of exclusion

This will depend upon a number of factors, such as the severity of the incident, and the likely impact on the young person's learning and ability to succeed on returning to school. Such decisions will be made in the best interests of the young person, whilst also mindful of the need to maintain order and reinforce the rules and expectations of the school in a clear and consistent way. Single incident internal and temporary / fixed-term exclusions may be used in response to a very serious breach of school rules and policies or a disciplinary offence.

In the most serious cases where a problem persists and there is no improvement, a permanent exclusion/ managed move may be necessary. In such cases the Headteacher will investigate the incidents/concerns and consider all evidence to support taking account of the school's policies. The young people will be encouraged to give their version of their circumstances/incidents and the Headteacher will check whether the incident/s may have been provoked, for example by bullying or racial harassment. The Local Authority will be informed of all decisions to exclude.

## Power to exclude

The headteacher is the only member of staff within the school who can suspend or permanently exclude a pupil. In the absence of the headteacher, the deputy head can make this decision. The governing board can review the headteacher's decision and consider representations from parents of excluded pupils. They may direct the reinstatement of an excluded pupil, or uphold an exclusion after a review, but they cannot exclude a pupil themselves. In making decisions on exclusions, the headteacher and governing board must have regard to the statutory guidance issued by the Department for Education on exclusions.

## The decision to exclude

If the Headteacher decides to exclude a young person, they will:

- Ensure that there is sufficient recorded evidence to support the decision.
- Explain the decision to the young person, if the young person is in the state of mind to listen to the decision.
- Contact the parents/carers, explain the decision and ask that the young person be collected or be at home to receive them.



- Send a letter to the parents/carers confirming the reasons for the exclusion, whether it is a permanent or temporary/fixed term exclusion. (Appendix A)
- The length of the exclusion and any terms or conditions agreed for the young person's return.
- Plan how to address the young person's needs and integration back into their school site on their return.
- Plan a meeting with parents/carers and young person on their return to be conducted by a suitable member of staff, prior to their return wherever reasonably practical. This may also happen over the telephone.

## **Safeguarding**

**An exclusion will not be enforced if doing so may put the safety of the young person at risk.**

In cases where parents/carers will not comply with; for example, refusing to collect the young person, be at home to receive the young person, then the young person's welfare is the priority. In this situation, depending on the reason for exclusion, the school may consider an internal exclusion until the end of the day, implementing the original exclusion decision from the time the young person is collected from school, or, in more severe circumstances the school may contact Social Services and/or the Police to safely take the young person off-site.

## **Re-integration Meeting**

After every period of fixed term exclusion, the young person and parent/carer will be offered a reintegration meeting with Headteacher/Deputy. At this meeting the behaviour leading to exclusion will be discussed and targets will be set for improvement. Support around behaviour will also be discussed. The meeting will be recorded, and a copy retained by the parent/carer, young person and school. This meeting may well be held over the telephone, due to the distance away from the young person's home.

## **Work set**

When a young person is excluded for more than one day, work should be set by the school within a reasonable time-scale and this should be returned to the school when the exclusion is over. If a young person is excluded at the end of a school day, then it may not be possible to arrange for work to be set

until the following morning. A young person can be excluded for up to 10 continuous days on a fixed term basis. On the 6th continuous day, the school is responsible for providing education, which could be at another school, or nearby location, such as the local library, or by providing home education, as agreed with the parents and young person.

## **Behaviour outside school**

Student's behaviour outside school, e.g. on school trips, at sports events, is subject to the school's behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school; additionally, this includes any serious breach of policy which could 'bring the school into disrepute'. The school must take account of any special educational needs when considering whether or not to exclude a young person. The Headteacher should ensure that reasonable steps, have been taken by the school to respond to a young person's disability so they are not treated less favourably for reasons related to the disability.

## **Managed move**

In cases where the Headteacher and parents/carers agree that the progress of the young person has been unsatisfactory and the young person is unwilling or unable to benefit from the educational opportunities offered, or if a parent's/carers failure to engage in strategies implemented by the school are resulting in a continuing pattern of poor behaviour or lack of improvement in behaviour, the Headteacher may consult with the Local Authority and propose a managed move to another school. This is not exclusion and in such cases the Headteacher may assist the parents/carers in placing the young person in another school.

## **Removal from the school for other reasons**

The Headteacher may send a young person home, after consultation with that young person's parents/carers, if the young person poses an immediate and serious risk to the health and safety of other students and staff, for example because of a diagnosed illness such as a notifiable disease. This is not an exclusion and should be for the shortest possible time.

## Monitoring and analysing suspensions and exclusions data

The school will collect data and present it to the governing body. The governing board will review, challenge and evaluate the data on the school's use of suspension, exclusion and managed moves.

The governing board will consider:

- o How effectively and consistently the school's behaviour policy is being implemented
- o The school register and absence codes
- o Instances where pupils receive repeat suspensions
- o Interventions in place to support pupils at risk of suspension or permanent exclusion
- o Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- o Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- o The characteristics of suspended and permanently excluded pupils, and why this is taking place
- o Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it

## Equal Opportunities

The school recognise that it is unlawful to take into account anyone's gender, marital status, colour, race, nationality, ethnic or national origin, disability, religious beliefs, age, or sexual orientation. Full consideration has been given to this during the formulation of this policy as it is the school's aim that no-one at Pathways Education should suffer discrimination, either directly or indirectly, or harassment on any of these grounds.

## Procedure for appeal

If parents/carers wish to appeal the decision to exclude, the matter will be dealt with using the Complaints procedure and policy.

## Linked Policies

A range of policies and procedures are in place to promote positive behaviour and appropriate conduct. These are:

- Behaviour and Relationship Policy
- Anti-Bullying Policy
- Safeguarding and Child Protection Policy
- Home School Agreement
- Risk Assessment Policy
- E-Safety Policy
- Complaints Policy

This policy will be reviewed annually.

## Appendix A

Dear **Parents**

We're sorry to let you know that we've decided to suspend, **Student**, from our school for **1** day. This is because of the incident that took place on **Date**. The nature of this incident was **Incident**.

### **You can let the governing board know your views**

You have the right to let the board know what your views are on the suspension and to tell them any other information which you think is relevant. This is called 'making a representation'. The board has a duty to consider any representation you make. However, it can't direct our school to reinstate your child, and isn't required to meet with you. You can make a representation by getting in touch with our governing board, which you can do by contacting [office@pathways-ed.org](mailto:office@pathways-ed.org).

### **Setting work**

We will set work for your child during their suspension period and it will be emailed through to you via Arbor.

### **Your duty as a parent**

You have a duty to make sure that your child is not present in any public place during school hours during this suspension period without reasonable justification.

### **Re-integration**

As per our exclusion policy, the young person with their parent will be expected to come into school for a re-integration meeting in order to discuss behaviour leading up to the suspension and actions set for improvement/next steps. This will take place on **Date at Time**.

If you have any questions about this process, please get in touch with **Person** on 01428 777 673 or email [office@pathways-ed.org](mailto:office@pathways-ed.org).

Thank you for your co-operation.