



# Exclusion Policy

Independent School Standards:

[Link to paragraph 9, 32 \(3;\(a\)\)](#)

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## Rationale

This policy deals with the procedures and practice which informs the school's use of exclusion. It is underpinned by the shared commitment of all members of the school community. Our school aims to ensure that:

- The safeguarding, safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed;
- Reduce the need to use exclusion as a sanction.
- The exclusions process is applied fairly and consistently.
- The exclusions process is understood by the schools Directors, Strategic Advisory Panel (SAP-Steering Group), staff, parents and students.
- Students in school are safe and happy.
- Students do not become NEET (not in education, employment or training).

An Exclusion, within this document may be one of three types:

- **Internal Exclusion** (when a student is excluded from normal lessons, but remains within the school - inc Education Off Site)
- **Fixed-Term Exclusion** (when a student is excluded from school and sent home)
- **Permanent Exclusion** (where steps are taken to permanently remove the student from the school).

PhoenixPlace is responsible for communicating to students, parents and staff its expectations of conduct and behaviour. A range of policies and procedures are in place to promote good behaviour and in turn our core vision and values eg students;

For all our students..... (vision)

- To have key strategies to help manage and regulate their emotions appropriately and that they have the confidence to seek help where and when needed
- To be able to maintain healthy relationships - building positive attachments
- To realise their self-worth, invest in building their confidence, self-esteem and a promoting positive self-image
- To embrace the aspiration to do well at school, college, work and live well, looking after their mental health and physical health
- To realise their potential and believe that they can make a positive difference in their local communities and wider society
- To be kind and respectful to others no matter the difference!

As a tenet for a whole school vision, the focus is on reinforcing and promoting our values are through these three basic daily rules:

**BE RESPONSIBLE!** (eg Taking responsibility; Making the right choices)

**BE NICE!** (eg Having & giving respect; Showing care; Acting with honesty)

**WORK HARD!** (eg Making an effort)

*(please refer to our Management of Behaviour Policy)*

## Policy Aims

The decision to suspend/exclude a child is a last resort and will only be taken after a full range of alternative strategies have been tried and have failed or would be likely to fail, and only:

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

When establishing the facts in relation to a suspension decision, the headteacher must apply the standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen.

The headteacher should consider all the relevant facts and verified evidence to support the allegations made and take into account the school's equality policy and whether any incidents are provoked by racial or sexual harassment. If there is doubt that the child/young person did what is alleged, the headteacher will not suspend the child/young person.

Only the headteacher has the authority to suspend/exclude a student or in their absence the deputy headteacher.

The school acknowledges that all children have a right to education and will take reasonable steps to set and mark work for students during the first five school days of a suspension.

A student may be suspended/excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year.) The headteacher should formalise the suspension in writing, outlining the length of time, the reason for the suspension and reminding the parent/carer of their duty to ensure the young person is not present in a public place in school hours during the suspension period.

The letter should also state details of the reintegration meeting and rights to make representation to the appropriate school staff and contact details for the local authority representative. The reintegration meeting is to agree with students, parents/carers and the local authority the school's 'strategy plan' that will be adopted following the child/young person's return.

Suspension will not normally be considered an appropriate response for:

- Minor incidents such as failure to complete homework.
- Poor academic performance.
- Poor timekeeping or truancy.
- Pregnancy.
- Breaching school uniform policy including hairstyle or wearing jewellery.
- Punishing children/young people for the behaviour of their parents/carers, for example, by extending a suspension until the parents/carers agree to attend a meeting.

The Head Teacher should also allow a young person to give their version of events before a decision on exclusion is made. We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment

## Reasons For Exclusion

Exclusion, whether internal, fixed term or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct and are infringements of the school's Behaviour Policy:

- Use or threat of use of an offensive weapon or prohibited item
- Inappropriate use of social media or online technology

- Wilful and repeated transgression of protective measures in place to protect public health
- Physical abuse to/attack on students
- Physical abuse to/attack on staff
- Serious actual or threatened violence against another student or a member of staff
- Verbal abuse / threatening behaviour against student
- Verbal abuse / threatening behaviour against adult
- Bullying (inc racist, homophobic, SEND abuse)
- Sexual misconduct/abuse or assault /Indecent behaviour
- Drug and alcohol related
- Damage to property
- Theft
- Persistent or general disruptive behaviour
- Actions which put the student or others in danger
- Deliberate discharging of Fire Alarms
- Arson
- Unacceptable behaviour which has previously been reported and for which school sanctions and other support interventions have not been successful in modifying the student's behaviour

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgment that exclusion is an appropriate sanction.

## The Decision To Exclude

If the Headteacher decides to exclude she will;

- Ensure that there is sufficient recorded evidence to support the decision
- Explain the decision to the student
- Contact the parents, explain the decision and ask that the child be collected
- Send a letter to the parents confirming the reason for the exclusion, whether it is a permanent or temporary exclusion, the length of the exclusion and any terms or conditions agreed for the student's return
- In cases of more than a day's exclusion, ensure that appropriate work is set and that arrangements are in place for it to be marked
- Plan how to address the student 's needs on her return (eg reintegration meeting)
- Plan a meeting with parents and student on daughters return (eg reintegration meeting)

## Behaviour outside the school

Student s' behaviour outside the school, on trips and sporting events is subject to the school's behaviour policy. Negative behaviour in such circumstances will be dealt with as if it had taken place in school.

## Exclusions Procedures

### Internal Exclusion

Due to the nature of our building, we have two forms of Internal Exclusions.

- Removal from lessons
- Educations Off Site (EOS)

Students will be given the opportunity to turn their behaviour around and remain in class however if their behaviour continues to disrupt their or other students' learning, they will be asked to leave the classroom for a period of time decided by the class teacher and Pastoral team.

The removal from lessons can sometimes be dealt with in school and (e.g. to work or be supported in another location in the school building), however at other times (if the incident is more severe) the actions of the student may warrant an EOS. This decision is made by our Pastoral Manager in consultation with the staff team and parents/carers are made aware of the reasons.

## Education Off Site

If deemed appropriate we will decide to educate a student via EOS in response to a breach of the behaviour policy. Students will be supervised by a member of staff on a 1:1 basis. This will take place at a local library close to the school. During EOS time following an incident, students;

- Review, discuss and reflect on their behaviour/incident / talk with the student and assess whether additional support strategies / adjustments are appropriate. (e.g. ways of avoiding repetition of incident)
- Complete any work missed or be set work (priority English, Maths, Science)
- They will take their break or lunchtime separately from the school community.
- Return back to school after completing all instructed requirements (eg reflection/work)

Where appropriate an interim / emergency annual review may be called. A Risk Assessment and Behaviour Management Plan will be written/reviewed.

The length of time a student has an internal exclusion or EOS will depend on individual circumstances. The schools objective is to re-establish the student back in class once current support and strategies have been reviewed / actioned followed by a re-integration interview.

All efforts will be made to keep the student in school, so as to support his/her education and it will only be in the most severe circumstances (or a repeat of earlier offences) that will lead to Fixed-Term or Permanent Exclusions.

## Fixed-Term Exclusion

A Fixed Term Exclusion is of short duration and may be necessary if a student makes behaviour decisions which are considered so serious, that it would not be appropriate to place him/her in a quiet study area.

In the case of Fixed-Term Exclusions, the Department for Education allows the Headteacher to exclude a student for one or more fixed periods not exceeding 45 school days in any one school year.

Students on fixed term exclusion will not be allowed to attend school, or be in the vicinity of school for the term of their exclusion. Under current legislation, parents/carers are obliged to take responsibility for their child if she is excluded and ensure that they are not in a public place without good reason during school hours within the first five school days of any exclusion. If they do not, the school or local authority may issue a penalty sanction.

Parents/carers must also ensure that their child attends the suitable full time education provided by the school or the local authority from the sixth day of exclusion where a risk assessment deems this to be an appropriate environment.

PhoenixPlace will send work home for students who are excluded for more than one day, which will be marked.

We will inform parents/carers immediately by phone call when the decision has been taken to 'Fixed-term exclude' a student. This will be followed, subsequently by a letter in which the terms of the Exclusion are set out, together with the time and date of the re-integration meeting. Parents/carers are also informed that they have a right to make representations to the Headteacher if they wish to challenge the terms of the exclusion.

We will maintain contact with and support parents with the arrangements described above. Reasonable adjustments will be considered on a case by case basis where a fixed term exclusion, involving sending a student home, will place the family unit and the student at risk.

## Managed Move

A 'Managed Move' may be resorted to in order to avoid danger of permanent exclusion. It may be used as the culmination of behaviour interventions, when no other has succeeded or, in exceptional circumstances, for a serious 'one off' incident.

'Managed Moves' are arranged via the SEN Team of the Local Authority commissioning a place at school during an interim/emergency annual review. Discussion around a managed move takes place between the student, parents, a representative from the school and the Commissioning Local Authority at the interim / emergency annual review.

At the interim review, student details will be shared. Depending on the seriousness of the referral there may be one of three outcomes:

- Referral for additional staffing support,
- Managed Move to another provision,
- Additional Fixed Term/Permanent exclusion.

## The Decision To Permanently Exclude

A decision to exclude a child/young person permanently is a serious one and will never be taken lightly. In doing so, school and the SAP team recognises that a permanent exclusion may have a serious impact upon a student's life chances. In addition, Permanent Exclusion will not be sought, unless there is an immediate threat to the safety of others in the school or the student concerned.

If the school is considering a permanent exclusion of a child/young person the local authority and the parents/carers should have been given an opportunity to attend a meeting with the school to discuss the matter. If following the meeting the school wishes to proceed with a permanent exclusion, the parent/carer and local authority shall be given the opportunity to make representations (if required, in person) in connection with the exclusion to the school's Strategic Advisory Panel.

If the school feels that it can no longer meet the needs of an individual student for serious breaches of the school policies then the headteacher will have ensured regular communication with parents/carers and local authority professionals as to what the potential next steps may be. If permanent exclusion is the final decision for the school then this process will be managed with all relevant parties' involvement to ensure a supportive move from the school.

The headteacher will ensure that the permanent exclusion is confirmed with all parties in writing within 24 hours of the child leaving the school, ensuring the reasons why are clear. The letter will also contain the right to appeal information.

There are two main types of situations in which permanent exclusion may be considered.

1.
  - A final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies (including 'Managed Move'). It is an acknowledgement that all available strategies have been exhausted and is used as a last resort.
  - This would include persistent and high risk behaviour choices including bullying, physical/verbal assault, damage to property, significant risk to the health, well-being and safeguarding of other students and staff, or repeated possession and/or use of an illegal drug on School premises.

2.

Where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These might include:

- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson

PhoenixPlace will consider police involvement for any of the above offences.

- Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with them for such use by them."

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline, good order and well-being of the School. Before deciding whether to exclude a student either permanently or for a fixed period the Headteacher will ensure that:

- Appropriate investigations have been carried out.
- All evidence available to support the allegations have been collated, taking into account the school's Behaviour Policies.
- The student has been allowed to give her/his version of events.
- There is no evidence which may indicate that the incident may have been provoked for example by bullying or by racial or sexual harassment.

If the Headteacher is satisfied that, on the balance of probabilities, the student did what he or she is alleged to have done, exclusion will be the outcome.

## Exercise of discretion

In reaching a decision on fixed term or permanent exclusion, the Headteacher will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider:

- The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Behaviour Policy.
- The effect that the student remaining in the school would have on the education, safeguarding and welfare of other students and staff. Nonetheless, in the case of a student found in possession of an offensive weapon, whether there is an intention to use it or not, it is the school's usual policy in this particularly serious matter to issue a permanent exclusion and possibly involve the Police.
- The Headteacher will inform the Chair of the SAP of a decision to permanently exclude. A further meeting with the SAP will take place to discuss the Headteacher's reasons for the decision and will look at appropriate evidence, such as the student's school record, witness statements and the strategies used by the school to support the student prior to permanent exclusion.
- The school will inform parents immediately by phone call when the decision has been taken to seek 'Permanent Exclusion' for a student. This will be followed, subsequently by a letter in which the terms of the Exclusion are set out.
- Parents/Carers are also informed of their rights regarding an appeal of the terms of the exclusion (see below)

PhoenixPlace recognises that all students have a special educational need and disability (SEND) and so have the right to request the presence of a SEND expert at an independent review panel. The SEND expert's role is to provide impartial advice to the panel about how SEND could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the student

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## Procedure For Appeal

If parents wish to appeal against the decision to permanently exclude, the matter will be referred to the schools SAP team. Two SAP members who were not involved in the initial decision to exclude, will acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within five days.

Records relating to the decision to exclude and the parents' complaint will be copied to all parties not later than two days prior to the hearing. In no circumstances however will PhoenixPlace or its staff be required to divulge to parents or others any confidential information on or the identities of students or others who have given information which has led to the exclusion or which the Headteacher has acquired during an investigation.

The parents may be accompanied to the hearing by one other person. This may be a relative, teacher, friend or Parent Support Advisor. Legal representation will not normally be appropriate. If possible, the SAP will resolve the parents' complaint without the need for further investigation. Where further investigation is required, SAP Members will decide how it should be carried out. After consideration of all the facts considered to be relevant, the SAP representatives will reach a decision on whether to uphold or rescind the exclusion or make other recommendations. This decision will be made within ten days of the hearing.

Parents will be informed in writing of the SAPs' representatives' decision and the reasons for it. Their decision will be final. The SAP representatives' findings and any recommendations will be sent in writing to the parents, Headteacher and Directors.

Parents are entitled to appeal against the decision if it has upheld the Headteacher's decision to permanently exclude their child; even if they did not make a case to, or attend, the meeting.

Where parents dispute the decision of the SAP not to reinstate a permanently excluded student, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) for disability discrimination, or the County Court for other forms of discrimination.

An independent review panel does not have the power to direct a school to reinstate an excluded student. However, where a panel decides that the schools decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a school to reconsider its decision.

## Marking Attendance Registers Following Exclusion

When a student is excluded temporarily, she will be marked as absent using Code E

## Removal For Other Reasons

The Headteacher may send a student home, after consultation with the parents and a health professional as appropriate, if the student poses an immediate and serious risk to the health and safety of other students and staff, e.g., because of a diagnosed illness such as a notifiable disease. This will not be classed as an exclusion and should be for the shortest possible time.

## Removal From The Admissions Register

The name of a student who has been permanently excluded from the school will not be removed from the Register until after the Exclusion Meeting has taken place and the Local Authority or referring authority sends confirmation to off roll the student.



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In cases where the student is on a Dual Registration arrangement, the responsible school will be informed at the exclusion meeting and subsequently via letter to the designated persons.

**This policy should be read in conjunction with**

- Management of Behaviour Policy
- Anti-bullying Policy
- Safeguarding Policy