INNOV4TE INDEPENDENT SCHOOL

 EXCLUSION POLICY

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| Effective From | Sept 2024 |
| Review Date | Sept 2025 |
| Person Responsible | Carla Astbury |

# Introduction

At Innov4te Independent School, we are dedicated to fostering an inclusive, nurturing, and aspirational environment where every student is empowered to realise and fulfill their potential. We believe that education is a transformative journey, and our commitment lies in balancing the Social, Emotional, and Mental Health (SEMH) needs of our students with the pursuit of academic excellence and personal growth. Understanding that self-efficacy and academic success are deeply intertwined with the fulfillment of basic needs, we strive to create a supportive atmosphere where every child feels valued, understood, and capable of achieving their dreams. Our holistic approach ensures that every student is provided with the tools, resources, and encouragement they need to thrive both in school and in life.

At Innov4te Independent School, we view exclusion as a measure of last resort, only to be considered when all other interventions and strategies have been exhausted. Our exclusions policy is rooted in our belief that every learner deserves the opportunity to learn and grow in a supportive environment, and that addressing the root causes of behavioral issues is more effective than exclusion in promoting long-term positive outcomes.

Our approach to managing challenging behavior involves a range of proactive and restorative practices aimed at keeping students engaged in their education while addressing underlying issues. We are committed to working closely with learners, parents/carers, and external agencies to develop tailored support plans that meet individual needs and promote positive conduct.

Alternatives to Exclusion

* Restorative Practices: Facilitating restorative meetings where learners can discuss their conduct, understand its impact on others, and work towards making amends.
* Conduct Support Plans: Developing personalised support plans that outline specific strategies and interventions to help students manage their conduct and stay on track.
* Mentoring and Counselling: Providing access to mentoring programmes and professional counselling services to support learners’ social, emotional, and mental health needs.
* Family Engagement: Working closely with families to understand the context of our learner’s conduct and to develop collaborative approaches to support their improvement.
* Peer Mediation/mentoring: Supporting our learners to support their peers and mediate to help resolve conflicts and build a more supportive school community.
* Alternative Learning Programmes: Offering alternative learning arrangements or programmes that cater to the specific needs of our learners who find learning difficult.
* Targeted Interventions: Utilising targeted interventions such as anger management workshops, social skills training, and other specialised programmes to address specific conduct issues.
* Positive Reinforcement: Implementing systems of positive reinforcement to encourage and reward good conduct, helping learners to develop self-regulation and accountability.
* Positive conduct agreement: Positive conduct agreement may be implemented and signed by parent/carer and learner following a suspension and reintegration meeting.

By prioritising these alternatives to exclusion, Innov4te Independent School aims to maintain a positive, inclusive educational environment where all learners have the opportunity to succeed and develop into well-rounded, responsible individuals.

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# Aims

Innov4te Independent School is committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Our school aims to:

* Ensure that the exclusions process is applied fairly and consistently
* Help, staff, parents/carers and learners understand the exclusions process
* Ensure that learners in school are safe and happy
* Prevent learners from becoming NEET (not in education, employment or training)
* Ensure all suspensions and permanent exclusions are carried out lawfully

**A note on off-rolling**

Ofsted defines off-rolling as: “The practice of removing a learner 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 learner.”

Innov4te Independent School will not

* Remove a learner from the school roll without a formal, permanent exclusion, or
* Encourage a parent/carer to remove their child from the school roll, or
* Retain a learner 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 learner 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 (Learner Exclusions and Reviews) (England) Regulations 2012](https://www.legislation.gov.uk/uksi/2012/1033), or formally recording the event.

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

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

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

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#  Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education (DfE): [Suspension and permanent exclusion from maintained schools, academies and learner referral units in England, including learner movement - from September 2023](https://www.gov.uk/government/publications/school-exclusion).

It is based on the following legislation, which outlines schools’ powers to exclude learners:

* Section 51a of the [Education Act 2002](https://www.legislation.gov.uk/ukpga/2002/32/section/51A), as amended by the [Education Act 2011](http://www.legislation.gov.uk/ukpga/2011/21/contents/enacted)
* [The School Discipline (Learner Exclusions and Reviews) (England) Regulations 2012](http://www.legislation.gov.uk/uksi/2012/1033/made)

In addition, the policy is based on:

* Part 7, chapter 2 of the [Education and Inspections Act 2006](http://www.legislation.gov.uk/ukpga/2006/40/part/7/chapter/2), which sets out parental responsibility for excluded learners
* Section 579 of the [Education Act 1996](http://www.legislation.gov.uk/ukpga/1996/56/section/579), which defines ‘school day’
* The [Education (Provision of Full-Time Education for Excluded Learners) (England) Regulations 2007](http://www.legislation.gov.uk/uksi/2007/1870/contents/made), as amended by [The Education (Provision of Full-Time Education for Excluded Learners) (England) (Amendment) Regulations 2014](http://www.legislation.gov.uk/uksi/2014/3216/contents/made)
* [The Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/contents)
* [Children and Families Act 2014](https://www.legislation.gov.uk/ukpga/2014/6/contents/enacted)
* The [School Inspection Handbook](https://www.gov.uk/government/publications/school-inspection-handbook-eif), which defines ‘off-rolling’

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# Definitions

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

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

Off-site direction – when a governing board of a maintained school requires a learner to attend another education setting temporarily, to improve their behaviour.

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

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

Innov4te Independent School will only suspend or exclude a learner where it is necessary, and where all other possible sanctions, as detailed in the school’s Positive conduct policy and in line with the positive conduct agreement, have failed to be successful.

The following examples of learner conduct may underline the decision to suspend or

exclude a learner:

• Physical assault against a learner

• Physical assault against an adult

• Verbal abuse or threatening behaviour against a learner

• Verbal abuse or threatening behaviour against an adult

• Use, or threat of use, of an offensive weapon or prohibited item

• Bullying

• Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse

The above list is not intended to be exhaustive, and it will remain at the discretion of the Headteacher/Directors to determine if exclusion is an appropriate disciplinary action in response to an incident or series of incidents.

Learners can be suspended on a fixed-period basis, i.e., up to 45 school days within an academic year, or permanently. Similarly, learners can be permanently excluded following a suspension, where further evidence is presented.

In all cases, the Headteacher/Directors will decide which exclusion period a learner will be subject to, depending on what the circumstances warrant.

The Headteacher/Directors will decide if an offence warrants police involvement if there is a belief criminal activity may have taken place.

The Headteacher’s/Director’s power to suspend and exclude

Only the Headteacher or one of the Directors has the power to suspend or exclude a learner from the school, and they will decide whether a suspension or exclusion is appropriate.

Any decision made to exclude a learner will be lawful, proportionate, and fair, with respect to the school’s wider legal duties, including the ECHR. At all times, the Headteacher will consider their legal duties under the Equality Act 2010 and the ‘Special educational needs and disability code of practice: 0 to 25 years’, ensuring that they do not discriminate on any grounds, e.g., race, sex, disability, and will not increase the severity of a learner’s exclusion on these grounds.

When sending a learner home following a suspension or exclusion, the Headteacher/ Directors will ensure that they always exercise their duty of care and will always inform the learners parents/carers and the referring organisation.

The Headteacher/Directors will apply the civil standard of proof when responding to the facts relating to a suspension or exclusion, i.e. that ‘on the balance of probabilities’ it is more likely than not that the facts are true.

The Headteacher/Directors will not issue any ‘informal’ or ‘unofficial’ suspensions or exclusions, e.g. Sending a learner home to ‘cool off’, regardless of whether the parents/carers have agreed to this.

The Headteacher/Directors will not use the threat of suspension or exclusion as a means of instructing Parents/Carers to remove their child from the premises.

All suspensions and exclusions will be formally recorded.

 Factors to consider when excluding a learner

A suspension or exclusion will only be imposed instantly if there is believed to be an immediate threat to the safety of staff and learners in the school or the learner themselves.

When considering the suspension or exclusion of a learner, the Headteacher/Directors will:

• Ensure an appropriate investigation and evidence-recording process is carried out.

• Allow the learner the opportunity to present their case, accompanied by a member of

staff or a Parent/Carer if requested.

• Consider contributing factors that are identified after a case of poor behaviour has occurred, e.g. the learner’s SEND, or if the Learner’s wellbeing has been compromised, or they have been subjected to bullying.

The Headteacher/Directors will consider what extra support may be available for vulnerable Learner groups, e.g. Learners with SEND, whose suspension or exclusion rates are higher, to reduce their risk of exclusion.

The Headteacher/Directors will consider avoiding permanently excluding LAC, learners with SEMH issues and learners with an EHC plan.

Where any member of staff has concerns about vulnerable learner groups and their behaviour, they will report this to the Headteacher/Directors, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational and mental health needs, or other needs and vulnerabilities.

In accordance with the Equality Act 2010, under no circumstances will a learner with identified SEND or SEMH issues be excluded before the conduct policy and alternative exclusion strategies have been exhausted.

Where a learner with SEND or SEMH issues is permanently excluded because of a SEND- or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these learners are closely tracked and showing that the school has a close relationship with the learners next destination.

The Headteacher/Directors will work in conjunction with the Parents/Carers of any learner with additional needs to establish the most effective support mechanisms.

Duty to inform parents/carers

The Headteacher/Directors will inform the parents/carers of a learner under investigation for an incident that may result in suspension exclusion as soon as is reasonably practical.

When a decision is made to suspend or exclude a learner, the Headteacher/Directors will immediately inform the Parents/Carers, in person or by telephone, of the period of the suspension or the permanency of the exclusion and the reasons behind this.

The Headteacher/Directors will inform the learners parents/carers and the referring organisation via written/email communication of the

following:

• The reason(s) for the suspension or exclusion

• The length of the suspension or permanency of the exclusion

• The arrangements to allow the learner to work at home, where appropriate

• The learners rights to enter the school premises during the suspension or exclusion

• Their right to raise any representations about the suspension or exclusion to the Directors, including where a deadline applies, how the learner will be involved in this and how the representations will be made.

If the Headteacher/ Directors has decided to suspend the learner for a further fixed period following their original suspension, or to permanently exclude them, they will notify the learners parents/carers and the referring organisation without delay and issue them with a new exclusion notice.

If a learner with SEND has been excluded, the Headteacher/Directors and referring organisation will work together to ensure that:

• Any alternative provision is arranged in consultation with the learner’s Parents/Carers,

who can request preferences.

• When identifying alternative provision, any EHC plan is reviewed, or the learners needs

are reassessed, in consultation with the learners’ Parents/Carers.

The Headteacher/Directors will decide if a meeting is required to address breaches of the school’s Positive Conduct Policy or conduct agreement where exclusion is considered necessary.

The learner and their Parent/Carers will be requested to attend the disciplinary meeting and they will be provided with the opportunity to provide their views of the complaints made.

A member of staff will be chosen by the learner to accompany them in the meeting if requested.

At the meeting, the headteacher will ensure the following documents are available:

• A statement detailing the incident(s) and complaints against the learner

• The report compiled as part of the investigation

• Any relevant correspondence, e.g. written statements

• Relevant documents from the learner’s school file

• A copy of this policy

The Headteacher/Directors will not be required to share confidential information, or the identities of learners or others who have provided information that has formed part of the evidence against a learner, with parents/carers.

The Headteacher/Directors will decide based on the evidence presented at the meeting and

representations made by and on behalf of the learner whether further investigation is needed, or whether the complaint has been proved or disproved on the balance of probability.

If the complaint is proved, the Headteacher/Directors will inform the learner and the parents/carers of the possible disciplinary actions, and a decision will be given within 24 hours.

If the learner’s parent/carer request a review by the Directors, the learner will remain suspended until the Directors have concluded the process.

Reviewing suspensions and exclusions

The Directors will consider any representations made by the learner’s Parent/Carer regarding suspensions and exclusions that are received in writing within three working days of notification – representations made after the deadline will be considered only at the discretion of the headteacher.

The Parents/Carer representation will state the basis on which they are seeking a review and the resolution they want.

The Directors will decide if a review is warranted based on the representation – a

simple disagreement with the Headteacher’s decision will not typically be considered sufficient grounds for a review.

The Headteacher/Directors will ensure appropriate arrangements are in place for the review if the learner has SEND or the parents have any disabilities that necessitate additional facilities or adjustments.

Where a learner is dual registered and in breach of Innov4te’s Positive Conduct Policy the referring organisation will be made aware and the Learners place at Innov4te may be terminated with immediate effect in any instances that are deemed to be gross misconduct.

When a review is granted, the Directors/referring organisation and or the Local Authority dependent on the learner’s registration status at Innov4te Independent School will select a three-member panel. The members of the panel will not have prior knowledge of the details of the case or be familiar with the learner or their Parents/Carers.

The learner’s Parent/Carer will be notified before the review of the chosen members for the panel, the Directors will consider any objections raised.

The review will take place within 10 working days of submission of the parent/carer representations during term time.

* The chair of the panel will decide if new information provided by either side is allowed to be considered.
* The panel will examine the evidence provided by both sides and the representations made and will decide if the original decision stands or whether the Headteacher/Directors should reconsider their decision with recommendations made, e.g., to reduce the severity of the punishment.
* A review meeting is a private procedure and all those involved will keep the proceedings confidential, subject to law.
* In attendance at the review meeting will be the members of the panel, an appointed clerk, the headteacher, the learner and their Parent/Carer, and any relevant staff member requested by the learner, or their Parent/Carer agreed upon by the Headteacher/Directors

The procedures of the review meeting will be informal, fair and follow the requirements of natural justice.

Reaching a decision

The panel will consider how the decision was reached and if the facts of the case were sufficiently proved – the civil standard of proof will apply.

The panel will decide if the disciplinary action was proportionate to the complaints made

against the learner.

The learner and their Parent/Carer will be informed that if they are unhappy with the procedure of the review, they should raise their concern to the chair of the panel at the time and ask the clerk to note their concern.

Once all issues have been considered, the panel will reach its decision and make its recommendations, which will be communicated in writing, with justifications, to the

Headteacher/Directors and the learner’s Parent/Carer by the chair of the panel within three working days of the meeting.

The Headteacher/Directors will respond to the recommendations within 24 hours of notification. This decision will be final.

The Headteacher/Directors will consult with the learner’s Parent/Carer before determining the leaving status of the excluded learner, in line with the Parent/Carer Contract, and any additional arrangements,

Monitoring and review

This policy will be reviewed annually by the Headteacher and the Directors.

All members of staff will be required to familiarise themselves with this policy as part of their

Induction.

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