

## Exclusion Policy

### Mission Statement

Westcountry Schools Trust (WeST) holds a deep-seated belief in education and lifelong learning. Effective collaboration, mutual support and professional challenge will underpin our quest to ensure that all of the students and adults we serve are given every opportunity to fulfil their potential and succeed in life.

Person(s) responsible for updating the policy:	Richard Woodland, Director of Inclusion
Date Approved:	December 2022
Date of next review:	January 2026
Status:	Guidance

### WeST Core Values

WeST holds four core values which underpin the engagement, motivation and retention of employees, no matter what their role in the organisation.

- **Collaboration**  
Creating a shared vision and working effectively across boundaries in an equitable and inclusive way to skilfully influence and engage others. Building and securing value from relationships, developing self and others to achieve positive outcomes.
- **Aspiration**  
Having high expectations, modelling the delivery of high quality outcomes. Showing passion, persistence and resilience in seeking creative solutions to strive for continuous improvement and excellence.
- **Integrity**  
Acting always with the interests of children and young people at our heart, and with a consistent and uncompromising adherence to strong moral and ethical principles. Communicating with transparency and respect, creating a working environment based on trust and honesty.
- **Compassion**  
Recognising need in others and acting with positive intention to promote well-being and improve outcomes.

### Providing Accessible Formats

If you are unable to use this document and require it in a different format, please contact the Director of Inclusion.

## Relevant Legislation and Guidance

This policy should be read alongside the following documents:

- The school behaviour policy
- The school SEND policy
- Department for Education (DfE) guidance, "[Suspension and Permanent Exclusion](#)" (July 2022)
- DfE guidance, "[Behaviour in Schools](#)" (July 2022)
- [SEND Code of Practice](#)

## Note on terminology

The following terms are used throughout this policy:

- Parent(s) refers to parents or carers, including the Local Authority for children who are in care<sup>1</sup>.
- Suspension refers to what were previously known as fixed-term or fixed-period exclusions.
- Exclusion refers to permanent exclusion

## The power to suspend or exclude

Only the Headteacher has the power to suspend or exclude a child. However, decision-making for suspension can be delegated to a named member of the senior leadership team. Other members of staff such as Heads of Year (Secondary) or Class Teachers (Primary) cannot suspend, though they may provide information to support the Headteacher's decision.

In primary schools any suspension of a child with special educational needs should be discussed and agreed between the Headteacher and the Director of Inclusion or a Director of Education. In secondary schools where a pupil is likely to be suspended three or more times in a term<sup>2</sup> the Headteacher should discuss this with the Director of Inclusion or Director of Education.

WeST recognises that children with special educational needs, or other vulnerabilities, may be disproportionately suspended for demonstrating behaviours that are a manifestation of an unmet need. Careful consideration should be given to alternative means of support for pupils with SEND who are facing accruing suspensions.

## Reasons for suspension

All suspensions must be for disciplinary reasons only. Individual school behaviour policies set out what the school's expectations and rules are. Appendix 5 shows the principles by which decisions regarding the consequences of poor behaviour will be considered. It aims to promote alignment across the schools in WeST. However, this is not an exhaustive list and each decision will be made on an individual basis.

## Standard of proof

The Headteacher's decision to suspend or exclude must be taken on the 'balance of probabilities.' This means that it is more likely than not that the pupil did that which they are alleged to have done. This is not the same as 'beyond reasonable doubt', the standard required in a criminal case.

## When suspension is not allowed

It is unlawful to suspend or to lengthen a suspension for a non-disciplinary reason. Some examples are below:

- If the suspension is specifically about a child's special educational needs (however, this does not mean a child with SEND cannot be suspended, if appropriate).
- If a child is not doing well in school or is not as able as other children. A child cannot be suspended or excluded because they are not likely to get good results in tests or exams.

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<sup>1</sup> The definition of a parent can be found in the Education Act 1996, and this applies to the legislation to which this policy relates. In addition to the child's birth parents, references to parents in this policy include any person who has parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (for example, a foster carer) who has care of the child. To reflect this, this policy uses 'parent' to refer to both parents and carers.

<sup>2</sup> Term in this policy aligns with the DfE exclusions guidance, i.e. three terms per year

- Due to something a parent has done. That might be something like making a complaint or not going to a meeting at school.
- Not allowing a child back into school after a suspension unless they meet particular conditions. Once the suspension is ended a child must be allowed to go back. For example, the Headteacher cannot extend the suspension because a child will not admit they are guilty, or refuses to make an apology.

### **Off-rolling**

WeST and its constituent school recognise that off-rolling is unlawful. Ofsted defines off-rolling as, *"the practice of removing a pupil 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 pupil."*

WeST is committed to following all statutory procedures to ensure that every child in a WeST school receives an education in a safe and caring environment.

### **Behaviour outside school**

Pupils can be suspended or permanently excluded for behaviour outside school in line with the school's behaviour policy. Commonly this will include behaviour on school trips, behaviour when in uniform, on the way to and from school (including school buses and public transport), and behaviour which may bring the school into disrepute.

### **Pupil voice**

Headteachers should take reasonable steps to ensure that any excluded pupil is enabled and encouraged to participate at all stages of the suspension or permanent exclusion process. They should take the pupil's views into account, considering these in light of their age and understanding, before deciding to suspend or permanently exclude, unless it would not be appropriate to do so.<sup>3</sup> WeST recognises that there may be occasions when a decision has to be made before a child is able to give a full and reasoned account of their actions, e.g. where a pupil has become dysregulated. Where such a decision is made parents can find out their child's version of what happened and communicate this to school themselves.

### **The Headteacher's duty to inform parents about a suspension**

If a pupil is given a suspension, parents must be notified in writing without delay in line with the DfE guidance<sup>4</sup>. WeST schools will use the templates provided by the relevant local authority.

Parents should also be informed of their right to make representation about a suspension or permanent exclusion to those in governance. In WeST schools the Trustees have delegated the oversight of suspensions and permanent exclusions to members of the Hub Advisory Boards. Those members will be supported by the Director of Inclusion.

### **Keeping a child at home**

If the pupil is of compulsory school age, parents must also be told about their responsibilities to keep them at home during the first five days of the suspension or permanent exclusion. This should be covered in the exclusion letter.

### **The first five days**

Even though the pupil has been suspended they still should be receiving education. The school will take reasonable steps to set work for the first five days of any suspension or permanent exclusion.

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<sup>3</sup> [DfE Exclusion Guidance](#), page 8 and para 4

<sup>4</sup> [DfE Exclusion Guidance](#), para 62-75

During these five days, parents are responsible for their child's whereabouts. Parents must make sure they are not in a public place without reasonable justification during school hours. This duty is like that on school attendance and parents could be fined if they breach it.

### ***Day six and beyond***

If a child has been given a longer suspension of more than five days the school<sup>5</sup>, in conjunction with the local authority, has a duty to provide suitable full-time alternative education from day six. That is most likely to take place at an appropriate alternative provision.

If a pupil with special educational needs has an Education and Health Care Plan (EHCP) the alternative provision must be able to meet the pupil's needs as set out in the EHCP. The placement must be identified in consultation with parents.

For looked after children, it is recommended that alternative educational provision start from the first day of a suspension lasting more than 5 days.

### **Re-integration meetings**

There should always be a re-integration meeting when a pupil returns from a suspension. Every effort should be made to ensure that the parent(s) are able to attend this meeting. At this meeting, it is important to look at how home and school can work together to avoid problems in the future. Appendix 6 contains guidance on the format of such a meeting. A written record of the meeting should be kept. Where the parent(s) are unable to attend the meeting, they should be informed in writing of the outcome of the meeting.

Consideration should be given prior to the re-integration meeting whether an individual risk assessment is required to ensure the ongoing safety of the pupil and other members of the school community. Where this is deemed necessary the risk assessment/safety plan, including mitigating actions, should be agreed at the re-integration meeting.

### **Permanent exclusion**

The decision to exclude a pupil permanently is a very serious one. A decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.<sup>6</sup>

Pupils may be permanently excluded for the following reasons<sup>7</sup>:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

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<sup>5</sup> Full details of the law regarding the length for which a pupil can be suspended are set out in the [DfE Exclusion Guidance](#)

<sup>6</sup> [DfE Exclusions guidance](#) (2022) para 11

<sup>7</sup> [DfE Exclusions guidance](#) (2022) para 15

Further examples that could lead to permanent exclusion are set out in Appendix 7. Neither list is exhaustive but indicates the severity of such incidents and the fact that such behaviour seriously affects the discipline, safety and well-being of the school.

A pupil can be permanently excluded for committing a single, serious one-off offence, even if they have no previous history of breaching the school's behaviour policy. Each decision around a permanent exclusion needs to be made with careful consideration of the circumstances involved, including any additional needs of the pupil. Headteachers should seek support from the Director of Inclusion and Director of Education when considering a permanent exclusion.

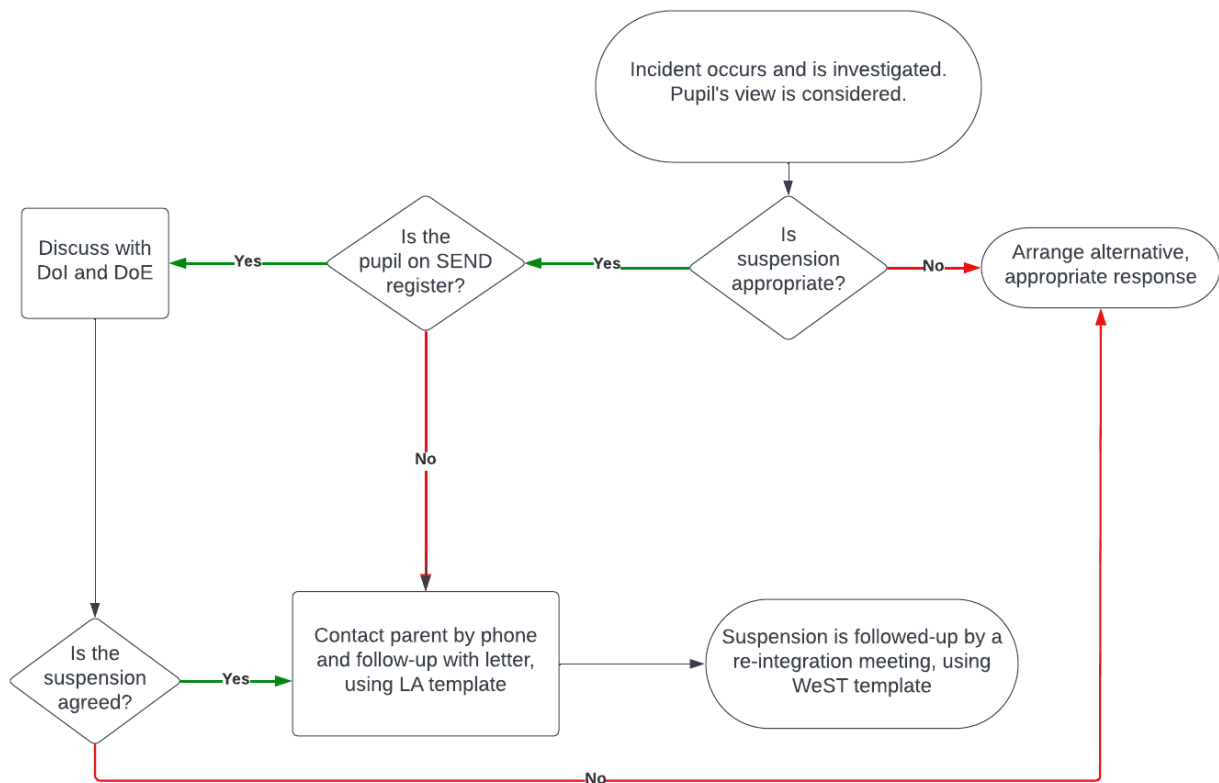
If a child is recommended for permanent exclusion a Governance Disciplinary Committee (GDC) will be held within 15 school days to hear the case and decide whether to uphold the Headteacher's decision or to reinstate the pupil. The panel will most likely consist of three Hub Advisory Board members but could also include Trustees if HAB members are not available. The child and their parents will be invited to attend the hearing to present their case, along with the Headteacher and key personnel. Local authority inclusion officers and the WeST Director of Inclusion may also be invited. Parents will be written to with clear details about the process and their right to appeal the decision, should they disagree with the GDC's decision.

### **Taking account of individual pupil needs**

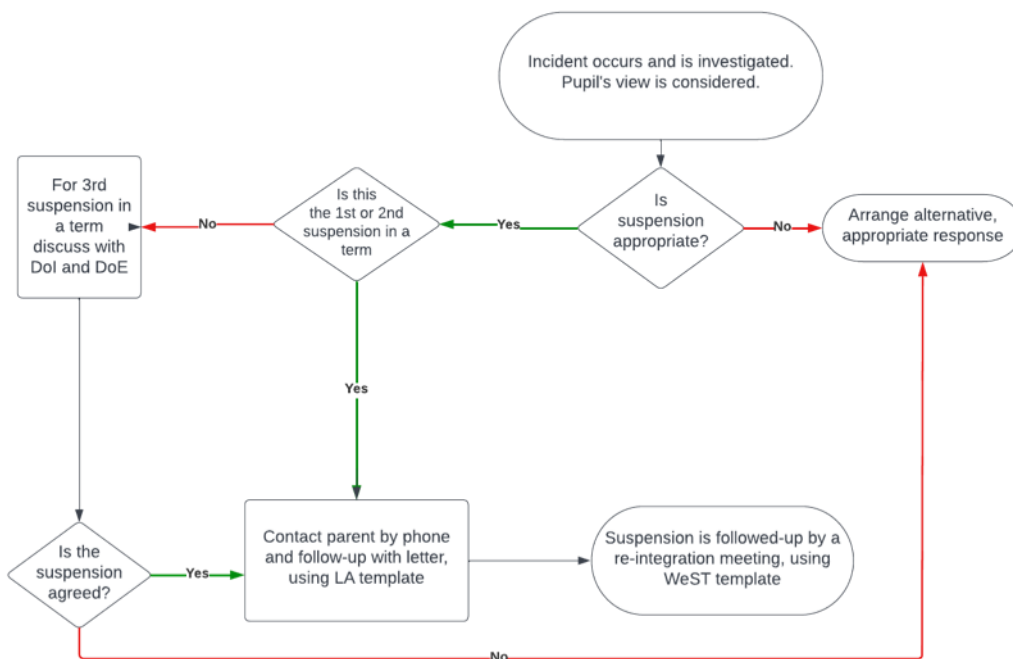
WeST recognises its legal duties under the Equality Act 2010, and those in respect of safeguarding and supporting pupils with special educational needs. As a trust, we are keen to ensure that we do not discriminate through the application of our school behaviour policies, against pupils whose apparent inappropriate behaviour may be a function of SEND needs or other protected characteristics.

Therefore, when intervening with apparent inappropriate behaviour all staff must accept that there will be circumstances in which some pupils may be treated differently from others and are expected to take account of those individual pupil needs when applying consequences, including suspension or permanent exclusion.

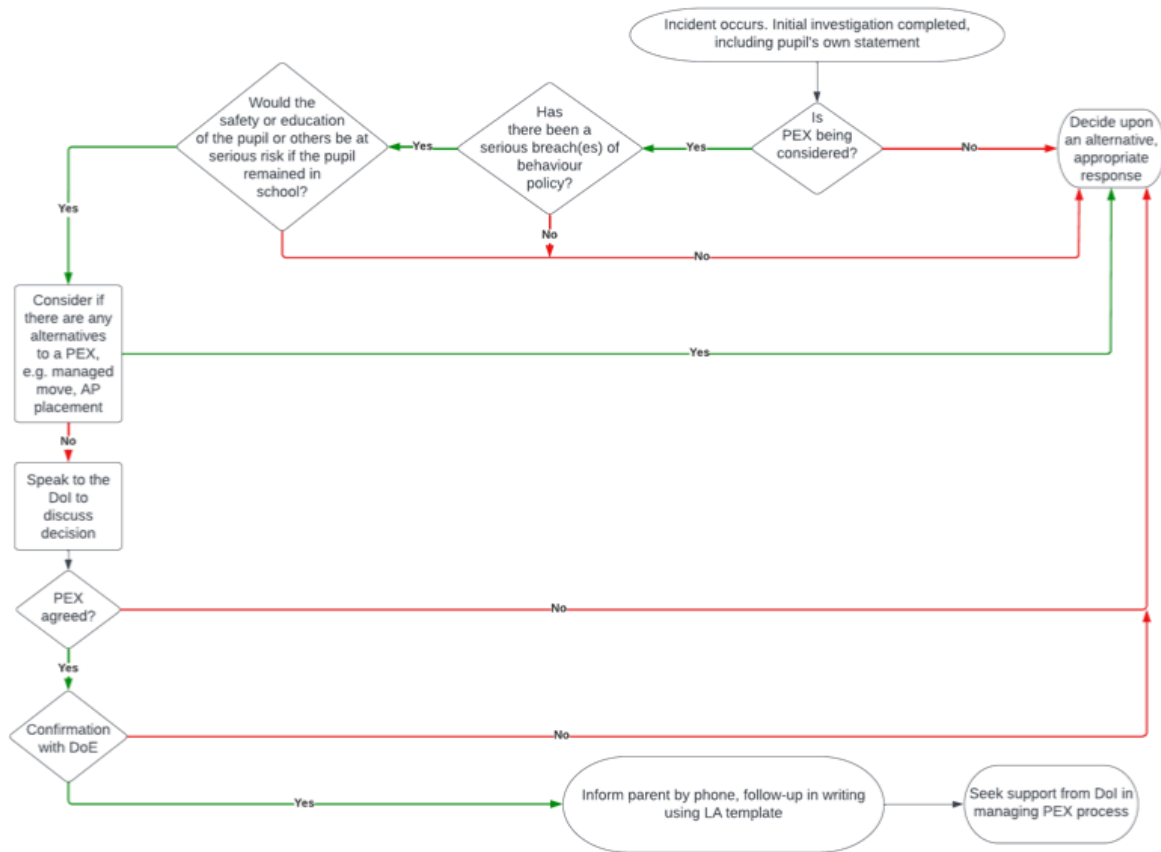
## Appendix 1 – Suspension Decision-making Flow Chart (Primary)



## Appendix 2 – Suspension Decision-making Flow Chart (Secondary)



### Appendix 3 – Permanent Exclusion Decision-making Flow Chart



## Appendix 4 – Primary Suspension and Exclusion Guide

Pupil Name:				Attendance (YTD):		
Year:				LAC / PLAC / CP / CP / EH?		
Class Teacher:				Disadvantaged?		
SEND?				EAL?		
Overview of SEND Needs:						
Phonics or Reading Score & interventions:						
<b>Previous Behaviour:</b> (last 12 months)	Written Summary:				No. of suspensions:	No. of days suspended:
<b>Type of Incident:</b>	OW - Use or threat of use of an offensive weapon or prohibited item			LG - Abuse against sexual orientation and gender identity		
	DS - Abuse relating to disability			MT - Inappropriate use of social media or online technology		
	VA - Verbal abuse / threatening behaviour against an adult			BU - Bullying <i>(consider 'STOP' - Several Times On Purpose)</i>		
	RA - Racist abuse			SM - Sexual misconduct		
	PH - Wilful and repeated transgression or progressive measures in place for public health and safety			PP - Physical assault against pupil		
	PA – Physical assault against adult			VP – verbal abuse / threatening behaviour against pupil		
	DA – Drug or alcohol related			DM – Damage to property		
	TH – Theft			DB – Persistent or general disruptive behaviour		
<b>Summary of Incident:</b>						
	Written statement from pupil?		Written statement from staff?		Written statements from pupil witnesses?	
<b>Decision:</b>	Suspension		No. of Days		Permanent Exclusion	
<b>Rationale for decision:</b>						
<b>Checklist against WeST exclusion policy and DfE Guidance:</b>				Y/N/NA	Date/Time and method of agreement	
Is this the first suspension of a pupil with SEND?						
If so, has the WeST Behaviour Lead Practitioner agreed with the decision?						
Is this a second (or greater) suspension of a pupil with SEND?						
If so, has the WeST DoI and relevant DoE agreed with the decision?						
Is this a permanent exclusion?						
If so, has the WeST DoI and relevant DoE agreed with the decision?						
Will this suspension take the number of school days missed to more than 15 in a term? (If so, a Governance Disciplinary Committee must be arranged)						
<b>Re-integration Meeting</b>	Date:		Time:		Location:	
	Persons to be invited:					



## Appendix 5 – Secondary External Reflection, Suspension and Permanent Exclusion Guide

Pupil Name:					Attendance (YTD):		
Year:					LAC / PLAC / CP / CP / EH?		
Head of Year:					Disadvantaged?		
SEND?					EAL?		
Overview of SEND Needs:							
NGRT Score and interventions:							
<b>Previous Behaviour:</b> (last 12 months)	No. of internal reflections:		No. of external reflections:		No. of suspensions:		No. of days suspended:
<b>Type of Incident:</b>	OW - Use or threat of use of an offensive weapon or prohibited item			LG - Abuse against sexual orientation and gender identity			
	DS - Abuse relating to disability			MT - Inappropriate use of social media or online technology			
	VA - Verbal abuse / threatening behaviour against an adult			BU - Bullying <i>(consider 'STOP' - Several Times On Purpose)</i>			
	RA - Racist abuse			SM - Sexual misconduct			
	PH - Wilful and repeated transgression or progressive measures in place for public health and safety			PP - Physical assault against pupil			
	PA – Physical assault against adult			VP – verbal abuse / threatening behaviour against pupil			
	DA – Drug or alcohol related			DM – Damage to property			
TH – Theft			DB – Persistent or general disruptive behaviour				
<b>Summary of Incident:</b>							
	Written statement from pupil?		Written statement from staff?		Written statements from pupil witnesses?		
<b>Decision:</b>	External Reflection:		Suspension:		No. of Days:		Permanent Exc:
<b>Rationale for decision:</b>							
<b>Checklist against WeST exclusion policy:</b>					Y/N/NA	Date/Time and method of agreement:	
Is this a third suspension of the pupil within a term? If so, has the decision been discussed with either WeST DoI or DoE?							
Is this a permanent exclusion? If so, has the WeST DoI and relevant DoE agreed with the decision?							
Will this suspension take the number of school days missed to more than 15 in a term? (If so, a Governance Disciplinary Committee must be arranged)							
<b>Re-integration Meeting</b>	Date:		Time:		Location:		
	Persons to be invited:						

## Appendix 6 - WeST Re-integration Meeting Guide

### Overall Aim:

Provide clarity of expectations and agree on the actions (positive) that need to be taken and the positive results we can expect.

#### Before the meeting

1. Early parent and pupil notification /agreement
2. Notify in advance the SLT/ HoY/ behaviour team required to attend
3. Prepare the paperwork for referral in the meeting
  - a) Re-integration proforma to record the meeting
  - b) Copy of the letter sent to parents highlighting reason for exclusion
  - c) Home/ college agreement – (which aspects were broken and needs revisiting)
  - d) Review of ABC data – Attendance / Behaviour / Care (SEND/ PP/ LAC etc.)
  - e) Decided on the key focus /outcome required

#### On the day of the meeting

- At the start of the day - confirmation phone call to parents

### 3 R's meeting:

#### **Re-connect** (*Understand before being understood*)

- On arrival meet and greet using a **SOFTEN approach** (*Smile, Open Body Language, Forward lean, Touch – e.g. shake hands, eye contact and Nodding*)
- **Transpose** – see the situation from their eyes
- **Be open but remain assertive** - you drive the meeting and take conscious control of the entire process
- Demonstrate **clarity of purpose** throughout the meeting
- Ensure a 80/20 pupil to teacher talk when going over the situation
- Make notes using the proforma and seek clarification whenever possible.

#### **What happened?** (*Gaining clarity about the sanction, distinguishing between fact and opinion*)

- Tell me how you see this situation now you have had time to reflect?
- What were you thinking at the time?
- What were you feeling at the time?
- Who do you feel was harmed and why?
- Why do you think that happened?

#### **Repair** (*'Finding the middle ground'*)

- What behaviours do both parties agree the pupil needs to change moving forward?
- What behaviours does the pupil feel need show us next time?
- Were there any learning points from completing suspension work?

#### **Restore** (*'Engage in mutual problem solving'*)

- Now agree on how the pupil plans to improve their behaviour
- Together agree on an achievable goal and the steps that need to be taken by the pupil/ the parents and the school to achieve this behavioural goal.
- Create clear expectation/s to live up to (*how will it look, hear, feel?*)
- How committed are you to making this goal happen? (*Scale 1-10. For anything lower than 8 ask follow up questions*)
- What help would the pupil need to make this a sustainable change?
- What could the parents do to help?

**Record of Re-integration Meeting**

<b>Date</b>	
<b>Pupil:</b>	
<b>Present:</b>	
<b>Stages</b>	<b>Notes</b>
<b>Introductions and stated aims of the meeting</b>	<ul style="list-style-type: none"> <li>• To reflect on the impact of the incident on everybody involved</li> <li>• To understand why college has sanctioned in this way</li> <li>• To ensure this type of incident does not happen again agree on actions to support this</li> </ul>
<b>Re-connect</b> 'What happened?' Distinguish between fact and opinion	
<b>Repair</b> 'Finding the middle ground' Review work completed during external reflection or suspension	
<b>Restore</b>	
<b>Pupil's action points</b> What can be done to ensure this incident is not repeated?	
<b>Parent's action points</b> What can be done at home to help support the conduct in school?	
<b>School action points</b> What support can the school take to ensure the incident will not happen again?	
<b>Signed by</b>	
<b>Pupil:</b>	
<b>Parent(s):</b>	
<b>Staff:</b>	

**Appendix 7 – Guidance around use of external reflection, suspension and permanent exclusion**

This list provides descriptors of behaviours that may lead to consequences aligned under the DfE coding for the reasons for exclusions. It should be used as a guide to inform decision-making on each occasion. It is not intended to be used as a simplistic tool for assigning external reflection, suspensions and permanent exclusions without careful thought. Consideration must be given for any SEND needs or other exceptional circumstances or vulnerability that the pupil may have. For example, in cases involving illegal drugs consideration should be given as to the risk posed by child exploitation from ‘county lines’ etc. Each decision must be lawful, fair and proportionate.

	(OW) Use or threat of use of an offensive weapon or prohibited item	(LG) Abuse against sexual orientation and gender identity	(DS) Abuse relating to disability	(MT) Inappropriate use of social media or online technology	(VA) Verbal abuse / threatening behaviour against adult	(BU) Bullying	(RA) Racist abuse	(SM) Sexual misconduct	(PH) Wilful and repeated transgression or progressive measures in place for public health and safety	(PP) Physical assault against pupil	(PA) Physical assault against adult	(VP) Verbal abuse / threatening behaviour against pupil	(DA) Drug and alcohol related	(DM) Damage to property	(TH) Theft
<b>Tier 1 External Reflection</b>	Carrying or bringing onto the school site a prohibited item	Derogatory statements about sexual orientation or gender identity  LGBT+ graffiti  Swearing that can be attributed to LGBT+ characteristics	Disability related graffiti  Derogatory statements or swearing about a disability		Verbal intimidation		Derogatory racist statements  Racist graffiti  Swearing that can be attributed to racist characteristics	Sexual harassment  Sexual graffiti	Deliberate breaching of protective measures such as (but not limited to): non-compliance with social distancing or causing distress such as through purposefully coughing very near to other pupils or adults	Obstruction, pushing and shoving	Obstruction	Threatened violence  Swearing  Verbal intimidation	Smoking Vaping	Graffiti	
<b>Tier 2 Suspension</b>	Carrying or bringing onto school site a weapon	LGBT+ taunting and harassment	Disability-related taunting and harassment  Bullying related to disability	Sharing of inappropriate images <sup>8</sup>  Cyber bullying or threatening behaviour online	Swearing at staff  Aggressive behaviour towards staff	Verbal, physical, cyber bullying or threatening behaviour online, racist bullying, sexual bullying,  Homophobic, bi-phobic or transphobic bullying  Bullying related to disability  Sexual bullying	Racist taunting and harassment  Racist bullying	Sexual bullying	Deliberate breach of public health protective measures which the school has adopted.	Fighting	Deliberate physical intimidation	Aggressive behaviour that causes significant emotional harm	Inappropriate use of prescribed drugs  Alcohol abuse	Damage to school property  Damage to property belonging to any member of the school community	Stealing personal property (pupil or adult)  Stealing school property  Stealing from local shops on a school outing
<b>Tier 3 Permanent exclusion</b>	Threat or use of an offensive weapon causing wounding <sup>10</sup>			Organising or facilitating criminal behaviour using social media				Sexual assault		Violent behaviour leading to wounding	Violent behaviour leading to wounding		Possession or use of illegal drugs <sup>9</sup>  Drug dealing	Arson	Selling or dealing in stolen property
<b>(DB) Persistent or General Disruptive Behaviour</b>															

<sup>8</sup> DSLs should be involved in decision making and due consideration given to the latest version of Keeping Children Safe in Education

<sup>9</sup> Permanent exclusion should not be the automatic consequence for the possession of illegal drugs. Careful consideration must be given to any vulnerability the pupil may have (e.g. risk of child exploitation), the wider family context and an assessment of the risk posed to other pupils.

<sup>10</sup> Wounding can be compared to Actual Bodily Harm (ABH) and Grievous Bodily Harm (GBH) – related to the level of detriment to the victim’s health and was the offence reckless (ABH) or intentional (GBH). Consideration should be given to psychological/emotional harm too.