



Okehampton College

Exclusion of Students Policy

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Okehampton College 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. Exclusion is a sanction used only as a last resort, and we aim to reduce the need for the use of it as far as is possible. This policy outlines the College's use of exclusions.

1. Power to Exclude

The Executive Principal is the only member of staff within the school who can exclude a Student, either permanently or for a fixed-term. In the absence of the Executive Principal, the Associate-Principal can make this decision.

The governing body can review the decision and consider appeals from parents of excluded Students. They may direct the reinstatement of an excluded Student, or uphold an exclusion after a review, but they cannot exclude a Student themselves.

2. Reasons for Exclusion

There are two main reasons for exclusion: a serious breach, or persistent breaches of the school's behaviour policy, or a situation where it is feared that the safety and wellbeing, or education, of other students is at risk. In line with the school's behaviour policy, the following actions constitute unacceptable behaviour and may result in permanent or fixed-term exclusions:

- verbal abuse to staff, Students and others
- physical abuse to/attack on staff, Students or others
- indecent behaviour
- damage to property
- supplying or misuse of illegal drugs or other substances
- theft
- serious actual or threatened violence against another Student or a member of staff
- sexual abuse or assault
- carrying an offensive weapon
- arson
- unacceptable behaviour which has previously been reported, and for which school sanctions and other interventions have not been successful in modifying the Student's behaviour.

NB: Okehampton College will not exclude Students because of their academic attainment or ability. Exclusion will be used as a last resort when all other options have been exhausted.

3. Types of Exclusion

3.2 Permanent exclusion

(Based on DfE Statutory Guidelines on School Exclusions Sept 2017)

Okehampton College is an inclusive school. We seek to ensure that students remain in school to learn and to achieve their very best. The school has a wide range of strategies in place to prevent exclusion as we recognise that it should only be a last resort when all else has failed or normal school sanctions are not appropriate.

The decision to exclude:

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

In response to serious breaches of the school's behaviour policy; and

If allowing the Student to remain in school would seriously harm the education or welfare of the Student or others in the school

The decision to exclude a Student must be lawful, reasonable and fair. We have a statutory duty not to discriminate against Students on the basis of protected characteristics, such as disability or race. We will give particular consideration to the fair treatment of Students from groups who are vulnerable to exclusion.

Disruptive behaviour can be an indication of unmet needs. Where we have concerns about a Student's behaviour we will try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation we will give consideration to a multi- agency

assessment that goes beyond the student's educational needs. It is an acknowledgement by us that we have exhausted all available strategies for dealing with the child and permanent exclusion is used as a last resort.

The decision to permanently exclude a student is a serious one. It will usually be the final step in a process for dealing with disciplinary incidents following a range of supportive strategies have been trialled and failed or options professionally been exhausted. Always the decision-making will involve the College SENco and Inclusion team lead and additionally advice may be sought from other professionals taking a multi-disciplinary approach with Local Education Authority SEND team input. There are, however, some situations in which permanent exclusion on the first offence is the only option. These 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

This list is not exhaustive.

It may be necessary for the school to involve the police if the offence warrants it. All permanent exclusions will be reviewed by the governing body to ensure that they are justified and fair. The Principal can withdraw an exclusion that has not yet been reviewed by the governing body.

Parents will be informed immediately should a permanent exclusion be considered appropriate and information with guidelines for parents will be issued with the initial letter informing parents of the exclusion. Generally, risk of exclusion or permanent exclusion will be identified long before such step is actually taken involving plan to avoid any student been asked to leave.

The Local Education Authority as well as other bodies are kept informed and may be involved in decision making and students, parents or carers will be advised of internal and external sources of support and advice.

3.3 Fixed-term Exclusion

A decision to exclude a Student for a fixed period must be lawful, reasonable and fair and only in response to breaches of the school's behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions are considered inappropriate.

The length of a fixed-term exclusion will be set out by the school at the start of the exclusion period. A Student may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year) or permanently.

A fixed-term exclusion can be changed into a permanent exclusion by the Principal if the circumstances warrant it. In this case, parents or carers will be notified in writing with an explanation of why the change has occurred. During fixed-term exclusions and permanent exclusions, daytime supervision of the child is the responsibility of their parent or guardian.

An excluded Student has no automatic right to take a public examination or National Curriculum tests on the school's premises. The governing body can decide whether or not to allow the Student to sit the tests, and this will depend on the seriousness of the reason for exclusion.

4. Making the decision to exclude

Exclusion of any sort, for any period of time, is taken very seriously by the college, and the decision to exclude is not taken lightly. Various alternative strategies to manage behaviour will be tried before exclusion, as this sanction is only used as a last resort unless there is an immediate threat to safety within the school.

If it is decided that exclusion is necessary, the parents or carers of the Student will be notified, and the circumstances surrounding the exclusion will be formally recorded.

4.2 Alternative behaviour management strategies

Internal exclusion

If it is possible internal exclusion will be used as an alternative to fixed exclusion. If a Student needs to be removed from a lesson that is in progress, or a social situation, for disruptive behaviour or to calm down, it may be necessary to place that Student elsewhere in the school. This may occur over break times and will be used in circumstances where it is not necessary to remove the Student from the school site, but separation is needed. They will be placed in a Ready to Learn classroom, internal exclusion or somewhere where appropriate support and supervision can be provided.

Mediation

If there is a conflict between two or more Students, a member of staff will sit down with those involved and attempt to mediate the situation through restorative conversation. This strategy will also be used if there is a conflict between a teacher and a Student.

Restorative justice

This strategy is dependent on the cooperation of all parties involved in an incident or situation and will usually be used where one person has done something to upset or harm another. It can be helpful for the offender to redress the harm that they have done and hopefully learn from their mistakes. It can also provide closure for those who have been harmed.

Managed move

It may be in the best interest of a Student to have a chance of a fresh start by moving to another school. This will only occur in consent with parents, the LA, the head teacher, and the school's governing body. The new school will be asked by the Principal to accept the Student and may occur within or beyond the Dartmoor Multi-academy trust.

Parents will not be put under any pressure to agree to a managed move, especially in fear of a permanent exclusion, and the school will do everything it can to ensure that the transition is as smooth as possible.

4.3 Looked-after children and young people

Okehampton College understands that looked-after children and young people may be more susceptible to having behavioural problems due to additional problems they may face at home. We work in

conjunction with all relevant childcare authorities to support looked-after children and try every possible means of keeping them in school. Before any decision to exclude is made, the school will:

- consult the LA about alternative options to support a looked-after Student
- consult the LA about what alternative provision will be available if the Student is excluded
- involve the child's social worker as early as possible to help the school avoid exclusion
- work with the foster carer to improve the Student's behaviour.

4.4 Students with special educational needs or a disability (SEND)

Students with SEND

Our school's full SEND provision is outlined in our **special educational needs policy**. We work hard to accommodate students who have behavioural difficulties or difficulties with elements of social interaction as part of their SEN. The school will try every practical alternative to exclusion, but there may be some cases where it cannot be avoided.

If a permanent exclusion is made, the Principal will use the time between the initial decision and the governing body's review to see whether a change of circumstances might enable the school to withdraw the exclusion. It may be the case that more support is needed for the Student, or that it is in the child's best interest that their statement be changed to name a different school, in which case the school will work with the LA and the child's parents or carers to make the transition as smooth as possible.

Students with a disability

If a Student with a disability is under consideration for exclusion, the Principal will ensure that all other possible outcomes have been tried. To justify excluding a Student with a disability for a reason related to their disability, there must be material and substantial reason. The erosion of order and discipline in the school may be material and substantial justification, but only if reasonable adjustments have been made for the Student's disability. You can find more information on reasonable adjustments in our **school accessibility plan**.

4.5 Ethnicity

Dartmoor Federation does not discriminate against any person and our school ethos is one of inclusion, equality, and diversity. If any person feels that they have been discriminated against due to their ethnicity they may make a formal complaint to the school following the process outlined in our **school complaints procedure**.

4.6 Investigating the circumstances

Disruptive behaviour or actions that may warrant discipline will always be investigated before the decision to exclude is made unless there is a threat to the safety of Students or others at the school.

When establishing the facts in relation to an exclusion decision the Principal must apply the civil 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'.

When considering the decision to exclude a Student, the Head Teacher will:

1. Carry out a full and thorough investigation;

2. Consider all evidence available and ensure that equality is promoted at all times in relation to SEN, race, gender and disability;

*Under the Equality Act 2010 (“the Equality Act”) schools must not discriminate against, harass or victimise Students because of their: sex; race; disability; religion or belief; sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. For disabled children, this includes a duty to make proportionate reasonable adjustments to policies and practices.

3. Ensure that the Student has given their version of events;
4. Investigate whether the incident may have been provoked by something e.g., bullying, racial or sexual harassment;
5. consult other people as necessary (but not anyone on the governing body or management committee who may later have a role in reviewing the decision)
6. Keep a written record of all actions taken, any interviews with Students concerned, any staff Statements.

This list is not exhaustive and each incident will be considered in line with the procedure set out in the Exclusion Policy to ensure consistent and appropriate course of action. In the case of a Fixed Term Exclusion, parents will be informed as soon as possible following the incident and a letter will be sent home. The student, and their parents or carers will attend a reintegration meeting following the exclusion. It is expected that parents and carers attend these meetings as strategies to support the student will be discussed and agreed. The College and the student will benefit from parent or carer being in agreement with the plan agreed. The student will not be readmitted to the College until a reintegration meeting has been attended.

Proof

The standard of proof to be applied is the balance of probabilities, i.e., if it is more probable than not that the Student did what he or she is alleged to have done, then head teacher may exclude the Student. However, the more serious the allegation and associated possible sanction, the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring the criminal standard of ‘beyond reasonable doubt’ to be applied. But it does mean that when investigating more serious allegations, in determining whether it is more probable than not that the Student has behaved as alleged, head teachers will need to gather and take account of a wider range of evidence. In some cases, this may extend to evidence of the Student’s past behaviour, if relevant to the seriousness of the present allegation.

4.7 Confidentiality

The school will deal with all cases of exclusion and the surrounding circumstances confidentially. Information will be shared only with those who need to know it, and a breach of this may result in disciplinary action.

4.8 Recording and notifying the decision to exclude

All exclusions will be formally recorded, and the Principal will contact the parents or carers of the Student immediately once the decision has been made to exclude, specifying why this action has been taken and the length of time that it will last. If the Student is over 18, they will be notified directly. The decision will be confirmed in writing. The Principal will notify the governing body and LA within one day of the decision to exclude being made.

5. Reviewing an exclusion

The governing body will review fixed-term exclusions of any length on request by parents who feel that the sanction is unjustified. They will automatically review all cases of permanent exclusion, as well as any fixed-term exclusions that would lead to a Student being excluded for more than 15 days of a school term or missing a public exam. The review panel will look at the evidence and the records leading up to the exclusion and decide whether the Principal has made a fair decision and if exclusion is the appropriate sanction.

The members of the governing body who are on the review panel will have the appropriate training to fulfil the role, and notes will be taken of any review proceedings.

Parents who want to appeal an exclusion can contact the governing body in writing to The Local Stakeholder Board Chair, c/o Okehampton College, Mill Road Okehampton Devon EX20 1PW or by emailing the Chair c/o admin@okehamptoncollege.devon.sch.uk. Parents will be invited to a review meeting and are entitled to bring a friend or legal representative with them. Parents will be asked to provide the governing body with any written statements or evidence that they might have relating to the exclusion prior to the review meeting so that these can be circulated amongst the review panel. There will be an opportunity during the review meeting for parents to ask questions of the other parties.

The Student concerned is encouraged to attend if they are able to fully understand the proceedings. Okehampton College believes that Students should be encouraged to take part in the review process and feel that they are listened to. This will hopefully increase the chance of a positive behaviour pattern emerging in the future.

5.2 Notification of the review decision

Parents will be notified of the outcome of the review meeting in writing. This letter will also outline how parents can request a review by the independent panel at the LA's expense if they are unhappy with the outcome of the governing body's review. The outcome will be one of the following:

- **Unlawful exclusion**

If the review panel has found that the exclusion has been made unlawfully, it will not stand. The governing body will not investigate further. Parents who have a complaint about an unlawful exclusion should follow the procedures set out in the **DMAT complaints policy** to report it.

- **Upholding the exclusion**

If the review panel finds that the exclusion is fair and just, they will uphold the decision to exclude. In this case, a letter will be sent to the parent or carer of the child outlining:

- the decision
- the reason for the decision
- the parent's right to appeal to an independent appeal panel
- the name and contact details of the person to whom to send a notice of appeal
- the date by which a notice of appeal should be given
- that the notice of appeal must set out the grounds for appeal
- that the notice of appeal should set out any grounds for alleging disability discrimination if this is the case.

- **Reinstating the Student**

If the review panel decides that it is appropriate to reinstate the Student immediately or by a given date, support will be given to ensure that the Student is easily reintegrated into the school. *This will include a reintegration interview with the Principal and parent or carer on school grounds, during which a pastoral support plan will be drawn up.*

A copy of the letter detailing the outcome will be put in the student's academic records along with any relevant papers. The governing body may also decide to arrange for an educational provision offsite to improve the child's behaviour, such as an anger management course.

6. During an exclusion

Although the school has made the decision to exclude a Student, we maintain responsibility for the education of that child and will do everything that we can to minimise the disruption to their education.

For the first five days of any type of exclusion, the school will set and mark work that the child should complete at home under parental supervision.

From the sixth day onwards, if the exclusion is fixed-term, the school will arrange for alternative full-time educational provision. If the exclusion is permanent, the LA will arrange for this provision having assessed the child's needs. Alternative provision might be arranged at:

- another school in the area
- a shared joint facility
- a Student referral unit
- a private provider
- a local FE college.

If the child has a statement of special educational needs, the alternative provision will meet those needs. Further information, including the full formal exclusion process, can be found in the statutory guidance on exclusion from school at <https://www.gov.uk/government/publications/school-exclusion>

Exclusion will also be considered for: Physical assault against Students includes:

- Fighting
 - Violent behaviour
 - causing harm
 - Obstruction and jostling

Physical assault against an adult includes:

- Violent behaviour

Verbal abuse/threatening behaviour against Students includes:

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

Verbal abuse/threatening behaviour against an adult includes

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

Bullying includes

- Verbal
- Physical
- Homophobic bullying
- Racist bullying

Racist abuse includes:

- Racist taunting and harassment
- Derogatory racist statements
- Swearing that can be attributed to racist characteristics
- Racist bullying
- Racist graffiti

Sexual misconduct includes:

- Sexual abuse
- Sexual assault

Sexual misconduct includes:

- Sexual abuse
- Sexual assault
- Sexual harassment
- Lewd behaviour
- Sexual bullying
- Sexual graffiti

Drug & Alcohol related includes:

- Possession of illegal drugs
- Inappropriate use of prescribed drugs
- Drug dealing
- Smoking
- Alcohol abuse
- Substance abuse

Damage

Includes damage to school or personal property belonging to any member of the school community: · Vandalism

- Arson
- Graffiti

Theft Includes:

- Stealing school property
- Stealing personal property (Student or adult)
- Stealing from local shops on a school outing
- Selling and dealing in stolen property

Persistent disruptive behaviour includes:

- challenging behaviour
- Disobedience
- Persistent violation of school rules

Other

Includes incidents which are not covered by the categories above, but this category should be used sparingly.