



# Exclusions Policy

Governor responsibility	All Governors
Governor Lead	Chair of Governors
Status & review cycle	Statutory Annual
Policy details (date & version)	September 2023
Next review date	September 2024

## **Exclusions Policy**

### **Legal Status:**

The principal legislation to which this guidance relates is:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006;
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014
  
- The Education (Independent School Standards) (England) (Amendment) Regulations 2014

### **Applies to:**

- The whole school

### **Related Documents:**

- Pupil Behaviour Policy
- Anti-bullying Policy
- Safeguarding Children - Child Protection Policy
- The School's standard terms and conditions
- Complaints policy

### **Available from:**

- This Policy can be viewed in the School office or a copy can be requested.

### **Monitoring and Review:**

- To be continuously monitored and reviewed by the Head Teacher and the Chair of Governors.
- The Chair of Governors and Head Teacher will formally review this policy by no later than one year from the date shown below, or earlier if changes in legislation, regulatory requirements or best practice guidelines so require.

The School's expectations for behaviour and details of sanctions for misbehaviour are set out in the Pupil Behaviour Policy. The following policy specifically deals only with major disciplinary issues.

## **Policy Statement**

A pupil may be excluded for a fixed period of time or excluded permanently from the School or a pupil may be required to leave permanently for reasons of misconduct.

The decision to exclude a pupil will primarily be based on a serious **breach**, or **persistent** breaches, of the school's behaviour policy; or where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

At all times we will take into account a pupils SEN needs whilst still expecting high standards across all areas of the school. The SLT will be sensitive in dealing with pupil exclusions at all times.

The main categories of misconduct across the whole of the School which may result in exclusion are:

- Supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, and alcohol and tobacco.
- Theft, blackmail, physical violence, intimidation, racism and persistent bullying.
- Misconduct of a sexual nature; supply and possession of pornography or sexual harassment.
- Possession or use of unauthorised firearms or other weapons.
- Vandalism and computer hacking.
- Persistent attitudes or behaviour (such as bullying when severe or persistent) which are inconsistent with the ethos of The School.
- Other serious misconduct towards a member of the school community or which brings the School into disrepute (single or repeated episodes) on or off school premises and including publications in the media such as on the internet.

Action will be taken following a single offence where that offence is deemed to be sufficiently grave.

In most cases, a fixed period exclusion will be the result of a first offence, although the Head Teacher may at her discretion permanently exclude any pupil for a first offence which is considered to warrant such a step. In such circumstances the Chair of Governors will be contacted.

In other instances, permanent exclusion may be the result of a series of less serious offences, where repetition of these offences indicates the pupil's unwillingness to conform to an acceptable pattern of behaviour. In such cases parents will have been consulted before such a stage is reached in an attempt to correct the behaviour.

A pupil may also be required to leave if, after all appropriate consultation, the Head Teacher is satisfied that it is not in the best interests of the pupil, or of the school, that he/she remains at the School.

The Head Teachers decision on exclusion is final.

### **The aim of this policy is:**

- To ensure procedural fairness and natural justice.

- To ensure the education of pupils is not prejudiced by unreasonable conduct in or towards the school by a pupil or a pupil's parent or guardian.

- To promote co-operation between the School and parents when it is necessary for a pupil to leave earlier than expected.

The School seeks to implement this policy through adherence to the procedures set out in the rest of this document and in conjunction with the school's Pupil Behaviour, Pupil supervision and Anti-Bullying policies and procedures.

The policy applies to all pupils at The School [whether or not in the care of the school], but does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by parents.

### **Policy Procedure**

Moon Hall Schools Educational Trust makes available to the Head Teacher the following sanctions for serious disciplinary matters;

- Fixed period Exclusion
- Permanent Exclusion

In making decisions about exclusion of a pupil, the Head Teacher will take into account the vulnerability of our pupils and their special educational needs and disabilities, gender and cultural differences that may be relevant to the case, as well as the issues that give rise to the need for such a decision.

### **Fixed Period Exclusion:**

Only the Head Teacher or a Deputy Head acting in place of the Head Teacher can temporarily exclude a child. The Deputy will always consult the Head Teacher prior to suspension or if that is not possible will consult with the Chair of Governors or one of the other Governors.

### **Before deciding on this sanction, the Head Teacher or Deputy Head will:**

- Ensure that an appropriate investigation has been conducted
- Ensure that all the relevant evidence has been considered
- Give the child an opportunity to be heard
- Consult other relevant people if necessary

Work will be set for a child to do at home during the period of exclusion. In addition, consideration will be given to any relevant problems of the excluded child and how they might be addressed in the interim, together with reintegration post-exclusion.

The Head Teacher or Deputy Head will inform parents without delay, in person (whenever possible) or by telephone. The Head Teacher or Deputy Head will also write to confirm the exclusion, stating the length and the reasons (refer to later guidance).

A fixed period exclusion constitutes a clear warning about continued membership of the School and this warning should be regarded as final. The School will be reluctant to exclude temporarily more than twice. A fixed period exclusion will be recorded to monitor the numbers of days given in Moon Hall School and any exclusions received from other schools in the academic year. Work will be set for pupils to complete at home. Appropriate measures including behaviour targets will be put in place to ensure pupils are successfully reintegrated back in to

school with required expected improvement in behaviour. This will be monitored by the pastoral team and parents will be kept fully informed.

The pupil and parents will meet with the Head before being permitted to return to lessons.

### **Permanent Exclusion:**

A pupil may be expelled at any time if the Head Teacher is reasonably satisfied that the pupil's conduct (whether on or off School premises or in or out of term time) has been prejudicial to good order or School discipline or to the reputation of the School. The School and the Head Teacher will act fairly and in accordance with the procedures of natural justice and will not expel a pupil other than in grave circumstances. The decision will be made in light of the SEND needs of our pupils and our equal opportunity policy.

There will be no refund of fees following expulsion (and all unpaid fees must be paid). The deposit will not be returned/credited, but fees in lieu of notice will not be charged.

Some parents prefer, after due consideration, voluntarily to withdraw their child rather than the School imposing Permanent Exclusion. However, it must clearly be understood that the Head Teacher reserves the right to insist on Permanent Exclusion.

Only the Head Teacher can permanently exclude a child and before doing so she will follow the same procedure as for temporary exclusion.

### **The parents will receive in writing from the Head Teacher:**

- the reasons for the exclusion;
- the period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
- the parents' right to make representations about the exclusion to the governing body and how the pupil may be involved in this;
- how any representations should be made including access to an independent review panel; and where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting and include an SEND expert.

### **Governors' Review:**

A decision to permanently exclude, or require removal, of a child is not taken lightly and before it is reached the Head Teacher will have given careful consideration to any representations by the parents. In the process, she will consult the Chair (or in his absence the Deputy Chair) of Governors and agree the issues relating to exclusion.

Parents may, if they wish, communicate with the Governors by letter. Any such letter should be addressed to The Chair of Governors at the School. If parents wish Governors to review the case they should make such a request in writing to the Governors within 7 days of notification of the decision by the Head Teacher. Please follow the school's complaints procedure (available on the school website).

### **Discretion:**

The decision to exclude a pupil or pupils and the manner and form of any announcement shall

be in the sole discretion of the School, acting on the recommendation of the Head Teacher. In no circumstances shall the School or its staff be required to divulge to parents or others any confidential information or the identities of pupils or others who have given information which has led to suspension, the requirement to remove or expulsion or which the Head Teacher has acquired during an investigation.

**Access:**

A pupil who has been withdrawn, suspended, removed or expelled from the School has no right to enter School premises, be on School grounds or attend School trips without the permission of the Head Teacher.

**Equality, Diversity and Inclusion Statement**

**Our school has a ZERO TOLERANCE approach to any racist, bigoted or negative views towards other faiths and cultures. The same applies to any negative views towards any members of the LGBTQ+ community.**

**Staff are trained to know that any exclusion of these communities is not tolerated and will be dealt with. “Banter” when in a negative sense that makes individuals feel marginalised, unwelcome or intimidated is unacceptable**