

## Small Haven School Exclusion Policy

| Date     | Review Date | Coordinator    | Nominated Director    |
|----------|-------------|----------------|-----------------------|
| 04/01/20 | 04/01/23    | Principal Head | Director of Education |

### Aims/Ethos

- To promote good behaviour by creating a happy caring school environment
- To encourage students to achieve in a learning environment where self-discipline and good behaviour is promoted
- To only use exclusion as a last resort except when an immediate exclusion is appropriate
- To have in place early intervention systems to deal with unacceptable behaviour
- To maintain full-time provision for permanently excluded students
- To have in place systems to reinstate excluded students as soon as possible
- To establish good working relations with parents of students who have been excluded

Student exclusion is defined as when a student is not allowed to attend school for either a fixed term or permanently. Student exclusion is a sanction that will be used only as a last resort, except when an immediate exclusion is the only appropriate action to take.

Small Haven School is passionate about creating a culture where children feel safe and happy in order to feel free to learn. Central to this is the appropriate management of disruptive or dangerous behavior that can unsettle the students and hinder progress. The school actively seeks to achieve this through the effective use of positive reinforcement and the development of strong, trusting relationships between members of the school community. We promote good behaviour by creating a happy, caring school environment where everyone feels valued, respected, safe and free from all forms of anti-social behaviour.

We encourage the development of self-discipline and respect and promote high expectations for all. However, we acknowledge that our students have complex special educational needs and sometimes demonstrate their struggles through their behaviour, which can sometimes take a negative or inappropriate form. It is our mission to facilitate the social and emotional development of our pupils as well as helping them achieve academic success. At Small Haven School we seek to monitor and understand the underlying communication of challenging behaviour and work hard to provide effective support to help students develop improved self-regulation and positive coping strategies.

However, as well as promoting positive reinforcement it is also essential to help our students take personal responsibility and understand the consequences of their actions. As such, in the event of serious or persistent unacceptable behaviour the Principal Head may, after considering all options, decide to exclude a student.

We acknowledge that a student will only be excluded following serious or persistent

breaches of discipline or where allowing the student to remain in school would seriously harm the education or welfare of the pupil or others in school. We are aware that it is unlawful to exclude a student for a non-disciplinary reason. Parents will be informed immediately about a fixed period exclusion. The Principal Head at all times will take into account her 'legal duty of care to a student when taking a decision to send a student home following an exclusion.'

In the case of permanent exclusion, a whole range of strategies such as early intervention and student support plans will be implemented in an attempt to improve the behaviour of the student. Where prevention has not been possible and an exclusion has occurred the Principal Head will post-reflect with the staff to consider any possible learning or improvement on behalf of the school.

All exclusions will follow the correct procedures as outlined in 'The Department for Education Guidance Exclusion from Maintained Schools, Academies and student Referral Units in England (2017)'. We are aware that it is illegal to unofficially or informally exclude by just sending a student home for disciplinary reasons. At all times the correct procedures will be followed.

Parents will be made aware of their rights that they can appeal against an exclusion to the Director of Education. An independent review panel will deal with all appeals.

We aim to work closely with the School Council and to hear their views and opinions on these matters as we acknowledge and support Article 12 of the United Nations Convention on the Rights of the Child that children should be encouraged to form and to express their views.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy. In order to emphasise what is required of students and the kinds of behaviour considered to be unacceptable they, and their parents, are invited to sign a Home-School Agreement.

The Behaviour Policy makes clear that students are expected to meet standards, and that consequences can be imposed if they fail to do so. It is the policy of the school, when such circumstances arise, to consider carefully the needs of the individual student concerned, as well as the needs of other students and staff at the school, and in so doing it may be decided, regrettably, that the student be excluded.

As a guideline to parents and students, it is likely that exclusion from school will be used, solely at the discretion of the Principal Head, in the following circumstances:

### **Fixed Term Exclusion**

- Serious intentional assault on another person
- possession of potential weapons
- possession or use of alcohol and/or illegal substances
- physical or mental abuse or bullying of another person
- endangering Health and Safety of oneself or others

- theft
- willful damage or misuse of school property

Repetitive behaviour in any of the above could lead to permanent exclusion.

### **Permanent Exclusion**

- criminal activity which would be subject to police investigation
- the use of dangerous weapons in school
- the use, possession or trade of drugs or alcoholic substances or other intoxicating substances in school
- persistent total refusal to co-operate with reasonable direction from the Principal Head/Senior Leadership Team members/Teacher
- Cumulative serious misbehaviour without evidence of improvement

The above situations are an example only.

### **PROCEDURE FOR EXCLUDING A STUDENT**

#### **1. Informing parents about the exclusion**

Whenever a student is excluded the parent should be notified immediately, ideally by telephone followed up by a letter within one school day.

Letters of notification of exclusion must state:

- for a fixed period exclusion, the precise period of the exclusion;
- for a permanent exclusion, the fact that it is a permanent exclusion;
- the reasons for the exclusion;
- the parent's right to make representations about the exclusion and how the pupil may be involved in this;
- the person whom the parent should contact if they wish to make such representations (this will usually be the Director of Education);
- the school days on which the parent is required to ensure that their child is not present in a public place during school hours without justification; and that the parent may be prosecuted, or may be given a fixed penalty notice, if they do not do so;
- the arrangements made for enabling the student to continue his or her education, during the first five school days of an exclusion, including the setting and marking of work. It is the parent's responsibility to ensure that work sent home is completed and returned to school;
- that, if appropriate, the parent will be invited to attend a reintegration interview. Details of time, date and location of the interview should be included in the letter for exclusions of up to five days. For longer exclusions separate notification of these details can be sent nearer to the date of the proposed interview. Any proposed interview should be held no later than the fifteenth school day, following the pupil's return to school.

Letters must also state:

- the latest date by which the Discipline Panel must meet to consider the circumstances in which the student was excluded (except where the exclusion is for fewer than 5½ school days in any one term, and would not result in the student missing a public examination);
- the parent's right to see and have a copy of his or her child's school record upon written request to the school;
- in the case of a fixed period exclusion, the date and time when the student should return to school (in the case of a lunchtime exclusion, the number of lunchtimes for which the student is being excluded);
- if the exclusion is permanent, the date it takes effect and any relevant previous history;
- the name and telephone number of an officer of the LA who can provide advice;
- details for relevant sources of free and impartial information: statutory guidance on exclusions (<https://www.gov.uk/government/publications/school-exclusion>) and Kent Parent Partnership ([www.kenttrustweb.org.uk/kpps](http://www.kenttrustweb.org.uk/kpps)) on 03000 41 3000 or Email: [kentparentpartnershipservice@kent.gov.uk](mailto:kentparentpartnershipservice@kent.gov.uk).

Model letters (1-4) for notifying parents of fixed period and permanent exclusions are attached.

- Model letter 1 should be used for fixed term exclusions of fewer than 5.5 days.
- Model letter 2 should be used for fixed term exclusions of between 5.5 and 15 days (single or cumulative).
- Model letter 3 should be used for fixed term exclusions (single or cumulative) of 16 days or more
- Model letter 4 should be used for permanent exclusions.

Note: the legislation deems a lunchtime exclusion to be a fixed period exclusion equivalent to half a school day. For example, if a pupil were to be excluded at lunchtime for 15 school days in the same term this would be the equivalent of seven and a half full days.

All exclusion cases should be treated in the strictest confidence.

In exceptional cases - usually where further evidence has come to light – a fixed period exclusion may be extended or converted to a permanent exclusion. In such cases the Principal Head must write again to the parents explaining the reasons for the change. The Principal Head may choose to withdraw an exclusion that has not yet been reviewed by the Discipline Panel.

## **2. Informing the Directors**

All exclusions are notified to the Directors using Form XI (see attached)

Within one school day the Principal Head must inform the Directors of:

- permanent exclusions
- exclusions which will result in the student being excluded for more than five school days or 10 lunchtimes in any one term
- exclusions which will result in the student missing a public examination

**For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the principal head must also advise the home LA of the exclusion, so that they can make arrangements for the pupil's full-time education from and including the sixth school day of exclusion.**

### **3. Discipline Panel's/Director of Education's Role in Reviewing Exclusions**

Fixed period exclusions totaling five or fewer school days, or 10 or fewer lunchtimes or half days, in any one term must be reported to and reviewed by the Director of Education once a term.

Exclusion reports should include:

- the student's name
- the length of the exclusion
- the reason for the exclusion
- the student's age, gender and ethnicity
- whether the student has a statement of SEN, is being assessed for such a statement
- whether the student is in Local Authority care
- for fixed period exclusions of pupils of compulsory school age, where the exclusion is for 5 or more school days, what alternative provision has been put in place for the pupil.

If representations are received from the parent the Discipline Panel/Director of Education must consider them but they cannot direct reinstatement (**see model letter 1**) although they can place a copy of their findings on the pupils' school record. The Discipline Panel/Director of Education has discretion to agree a meeting if the parent requests one, but there is no statutory obligation to do so and no statutory time limits apply to such exclusions.

In the case of a fixed term exclusion of more than 5, but not more TOTAL 15 school days in one term Directors must convene a meeting between the 6<sup>th</sup> and 50<sup>th</sup> school day after receiving notice of the exclusion **only if the parent (or pupil aged 18 or over) requests such a meeting (see model letter 2).**

In the case of a permanent exclusion, or a fixed period of exclusion of more than 15 days in one term (or which brings the TOTAL number of days of exclusion to more than 15 in one term) the Discipline Panel/Director of Education **must convene a meeting** between the 6<sup>th</sup> and 15<sup>th</sup> school day after the date of receipt to consider the exclusion (**see model letters 3 and 4**). If a pupil's total number of days of fixed period exclusion exceeds 15 school days in one term, any subsequent fixed period

exclusion(s) of the pupil in the same term would again trigger the Discipline Panel/Director's duty to consider the circumstances of the exclusion.

If any exclusion would result in the pupil missing a public examination the Discipline Panel/Director of Education should try to meet before the date of the examination. If, exceptionally, it is not practical to meet before the date of the examination, they can use his/her powers to act in an emergency, may consider the exclusion and decide whether or not to allow an excluded pupil on the premises for the sole purpose of taking a public examination. There is no automatic right for any excluded pupil to take a public examination on the excluding school's premises.

### **3.1 Procedure at Discipline Panel Meetings**

On receiving notice of a permanent exclusion, or a fixed period of exclusion of more than 15 days in one term (or which brings the TOTAL number of days of exclusion to more than 15 in one term) the Discipline Panel/Director of Education must:

- abide by the timings as set out above.
- Invite the parent (or a pupil if aged 18 or over), Principal Head and an LA officer to the meeting at a time and place convenient to all parties (within the relevant statutory time limits).
- Ask for any written statements (including witness statements) in advance of the meeting; and
- Circulate, at least 5 days in advance of the Discipline Meeting, any written statements and a list of who will be present at the meeting to all parties, including the pupil if it is known that they are to attend the meeting.

N.B. The LA is not required to send a representative to all Discipline Panel meetings but they should send a representative to all permanent exclusion meetings and to longer fixed period exclusions meetings if possible. It is not the LA's role to comment on the merits of the particular exclusion but it can make a statement to the Discipline Panel in general terms (e.g. about how other schools in the area have dealt with similar cases) or draw Directors attention to issues where there is a lack of clarity or more information is needed. The Discipline Panel/Director of Education may ask the LA officer for advice however it should make its decision alone asking all parties, including the LA officer to withdraw.

In reaching its decision the Discipline Panel/Director of Education should take into consideration

- Any representations made by the parent, the pupil and the LA;
- Whether on balance of probabilities the pupil did what he/she is alleged to have done; and
- Whether the Principal Head has complied with the law on exclusion and has had regard to this guidance on exclusion.

N.B. Where reinstatement is not practical (e.g. the pupil has returned to school following the expiry of a fixed period exclusion, or because the parent makes clear he/she does not want their child reinstated), the Discipline Panel/Director of Education must consider whether the Principal Head's decision to exclude the child

was justified, based on the evidence. The outcome of its review should be added to the pupil's school record for future reference. There are only two decisions open to the Discipline Panel — to uphold the exclusion or to direct the pupil's reinstatement, either immediately or by a particular date.

On reaching their decision the Discipline Panel/Director of Education must inform the parent (or the pupil if aged 18 or over), the Principal Head and the LA of its decision in writing within one school day of the hearing, stating the reasons.

N.B. Where the pupil resides in a different LA the Discipline Panel/Director of Education must the pupil's 'home' LA. The Discipline Panel/Director of Education may not attach conditions to any direction it may give to the Principal Head to reinstate the pupil.

Where the Discipline Panel decides to uphold a permanent exclusion, its letter to the parent (or pupil if aged 18 or over) should also include the following information:

- the reason for the decision;
- their right to appeal to an Independent Appeal Panel, together with the name and address of the person to whom any notice of appeal should be sent);
- the date by which any notice of appeal should be lodged (15 school days after the day on which notice in writing was given of the decision. Where the notice is sent by first class post it is treated as having been given on the second working day after it was posted);
- that any notice of appeal must set out the grounds on which the appeal is made; and that any claim on grounds of disability discrimination should also be set out in the notice of appeal.

### **3.2 AFTER THE MEETING**

A copy of the Discipline Panel's/Director of Education decision letter should normally be placed on the pupil's school record with copies of relevant papers. Exclusions can only be expunged from the pupil's school record through direction from the courts or rectification of personal data.

## MODEL LETTER

### Information concerning the exclusion of [Name]: Date of Exclusion:

- You have a duty to ensure that your child is not present in a public place in school hours during the exclusion period (**start date to end date/or 5 school days**) unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority if **[Name]** is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

[Name] has taken work home to be completed during this exclusion. It is your responsibility to ensure that this work is completed and returned to school for marking.

You should be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you may make a claim to the First- tier Tribunal (Special Educational Needs and Disability). The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN. Email: [sendistqueries@hmcts.gsi.gov.uk](mailto:sendistqueries@hmcts.gsi.gov.uk) Telephone: 01325 392 760. Making a claim would not affect your right to make representations to the Directors.

You have a right to see a copy of your child's school record. A copy can be supplied if you request it in writing. There may be a charge for photocopying.

Please be aware of the following relevant sources of free and impartial information: statutory guidance on exclusions (<https://www.gov.uk/government/publications/school-exclusion>) and Kent Parent Partnership ([www.kenttrustweb.org.uk/kpps](http://www.kenttrustweb.org.uk/kpps)) on 03000 41 3000 or Email: [kentparentpartnershipservice@kent.gov.uk](mailto:kentparentpartnershipservice@kent.gov.uk).

## MODEL LETTER 1

### NOTIFICATION OF A FIXED PERIOD EXCLUSION OF LESS THAN 5.5 DAYS, AND WHERE A PUBLIC EXAMINATION IS NOT MISSED

Dear **parent/guardian**

I am writing to inform you of my decision to exclude **name** for a fixed period of **period of exclusion**. This means that **name** will not be allowed in school for this period.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **name** has not been taken lightly. **name** has been excluded for this fixed period because **reason**

You have the right to make representations about this decision to the Directors. If you wish to make representations please contact Mrs M Morgan, c/o the school address. Whilst the Directors have no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

**name's** exclusion **begins/began on date** and expires on **date** and we expect **him/her** to be back in school on **date**. Please ask him to report to **whoever**

Yours sincerely

Miss S White Principal Head

## **MODEL LETTER 2**

### **NOTIFICATION OF A FIXED PERIOD EXCLUSION OF 5.5 TO 15 DAYS, OR WHERE CUMULATIVE EXCLUSIONS IN THE SAME TERM FALL WITHIN THIS RANGE, OR WHERE A PUBLIC EXAMINATION IS MISSED**

Dear **parent/guardian**

I am writing to inform you of my decision to exclude **[child's name]** for a fixed period of **[period of exclusion]**. This means that **[child's name]** will not be allowed in school for this period.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[child's name]** has not been taken lightly. **[child's name]** has been excluded for this fixed period because **[reason for exclusion]**

From the **[6th school day of the student's exclusion [specify date]** until **[expiry date]** we will provide suitable work to be completed at home.

You have the right to make representations about this decision to the Director of Education at which you may make representations and the decision to exclude will be reviewed. As the length of the exclusion is more than five school days in one term the Director of Education must meet if you request it to do so. The latest date the committee can meet is **[date — no later than 50 school days from the date of exclusion]**. If you wish to make representations to the Directors and wish to be accompanied by a friend or representative please contact Mrs M Morgan, (c/o the school address, tel (01843) 597088 or email [marissa@smallhavenschool.co.uk](mailto:marissa@smallhavenschool.co.uk) , as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform Mrs Morgan if it would be helpful for you to have an interpreter present at the meeting.

**name's** exclusion **begins/began on date** and expires on **date**, and we expect **[name of child]** to be back in school on **[date]** at **[time]**. It would be helpful for us to meet to discuss **[name of child]'s** return to school before they are due back. Please could you contact **[name]**, before your child is due to return to school, to arrange a convenient time and date. The purpose of a reintegration interview is to discuss how best your child's return to school can be managed.

Failure to attend a reintegration interview would be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

Yours sincerely

Miss S White  
Principal Head

### MODEL LETTER 3

#### NOTIFICATION OF A FIXED PERIOD EXCLUSION OF 16 DAYS OR MORE, OR WHERE CUMULATIVE EXCLUSIONS IN THE SAME TERM ARE 16 DAYS OR MORE

Dear **parent/guardian**

I am writing to inform you of my decision to exclude **[child's name]** for a fixed period of **[period of exclusion]**. This means that **[child's name]** will not be allowed in school for this period.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[child's name]** has not been taken lightly. **[child's name]** has been excluded for this fixed period because **[reason for exclusion]**.

As the length of the exclusion is more than 15 school days in total in one term the School Discipline Committee/Directors must meet to consider the exclusion. At the review meeting you may make representations to the Director of Education if you wish to do so. The latest date the Discipline Committee/Directors can meet is **[date — no later than 15 school days from the date the Discipline Committee/Directors are notified]**. If you wish to make representations to the Discipline Committee/Directors and wish to be accompanied by a friend or representative please contact Mrs M Morgan, Director of Education, (c/o the school address, tel (01843) 597088 or email [marissa@smallhavenschool.co.uk](mailto:marissa@smallhavenschool.co.uk) as soon as possible. You will, whether you choose to make representations or not, be notified by the Director of Education of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform Mrs Morgan if it would be helpful for you to have an interpreter present at the meeting.

**name's** exclusion **begins/began on date** and expires on **date**, and we expect **[name of child]** to be back in school on **[date]** at **[time]**. It would be helpful for us to meet to discuss **[name of child]**'s return to school before they are due back. Please could you contact **[name]**, before your child is due to return to school, to arrange a convenient time and date. The purpose of a reintegration interview is to discuss how best your child's return to school can be managed.

Failure to attend a reintegration interview would be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

Yours sincerely

Miss S White  
Principal Head

## **MODEL LETTER 4**

### **NOTIFICATION OF A PERMANENT EXCLUSION**

Dear **parent/guardian**

I regret to inform you of my decision to exclude **[child's name]** permanently from **[date]**. This means that **[child's name]** will not be allowed back to this school pending a meeting of the school Discipline Committee/Directors. Alternative arrangements for **[child's name]**'s education will need to be made. In the first instance we will set work for **[child's name]** and would ask you to ensure this work is completed and returned promptly to school for marking.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[child's name]** has not been taken lightly. **[child's name]** has been excluded permanently because **[reason for exclusion — also include any other relevant history here]**.

As this is a permanent exclusion the Discipline Committee/Directors will meet to consider it. At the review meeting you may make representations to the Director of Education if you wish to do so. ***The Director of Education has the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may appeal against their decision to an Independent Appeal Panel.***

The latest date the Discipline Committee/Directors can meet is **[date — no later than 15 school days from the date the Discipline Committee/Directors is notified]**. If you wish to make representations to the Discipline Committee/Directors and wish to be accompanied by a friend or representative please contact Mrs M Morgan, Director of Education, (c/o the school address, tel (01843) 597088 or email

[marissa@smallhavenschool.co.uk](mailto:marissa@smallhavenschool.co.uk), as soon as possible. You will, whether you choose to make representations or not, be notified by the Director of Education of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform Mrs Morgan if it would be helpful for you to have an interpreter present at the meeting.

I have also today informed the Kent County Council Exclusions Office of your child's exclusion and they will be in touch with you about arrangements for **[Name]** education from the sixth school day of exclusion. You can contact them at Exclusions Office, Kent County Council, Croft House, 5 East Street, Tonbridge TN9 1HP or telephone 01732 225064

Yours sincerely  
Miss S White Principal Head

## NOTIFICATION OF EXCLUSION – Form X1

This form must be completed when a child is excluded, and a copy sent to the Directors with a copy of the formal letter sent to parents.

|                            |                |
|----------------------------|----------------|
| School: Small Haven School | DfES: 886/6103 |
|----------------------------|----------------|

|                |         |
|----------------|---------|
| Students Name: | D.O.B:  |
| Address:       | Tel No: |

|                                  |
|----------------------------------|
| Parent/Guardian Name:            |
| Address if different from above: |

|                |
|----------------|
| Ethnic Origin: |
|----------------|

|                              |
|------------------------------|
| Date:                        |
| Signature of Principal Head: |

|   |
|---|
| Is there a Social Services involvement? |
| Has the student been excluded before?   |

|                                    |
|------------------------------------|
| Type of Exclusion:                 |
| Length of Exclusion:               |
| Date Set for Readmission:          |
| Date agreed for Exclusion Meeting: |

|  |
|--|
| Date of Exclusion:   |
| Will this period of exclusion include public examinations? |

|                       |
|-----------------------|
| Reason for exclusion: |
|-----------------------|