



EXCLUSION POLICY

This policy will be reviewed annually or in response to changes in legislation		
Created	2007	Vice Principal
Last Review	September 2023	Head of Compliance
Approved	November 2023	Education Board

This Policy applies to all year groups at Thomas's Schools, including the EYFS.

This Policy should be read in conjunction with Thomas's Behaviour Policy, Code of Conduct, SEND Policy, Complaints Policy, Safeguarding and Child Protection Policy.

1. INTRODUCTION

The School is responsible for communicating to pupils, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct. All rewards and sanctions are devised and implemented at what is considered to be an age appropriate level.

For most pupils, suspensions and expulsion may not be necessary, as other strategies can manage pupil behaviour. If approaches towards behaviour management have been exhausted, then suspensions and expulsions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm and supportive environments.

1.1 Definitions

Expulsion: means that the Pupil is required to leave the School permanently if they have committed a very grave breach of discipline or a serious criminal offence.

Removal: means that the permanent removal of the Pupil from the School is required.

Suspension: means that the Pupil is sent or released home for a limited period as either a disciplinary sanction or pending a Principals' Review.

2. PRINCIPLES

A decision to exclude a pupil, either for a fixed period or permanently is seen as a last resort by the School and in the case of a serious single incident, is made only after a thorough investigation.

2.1 Reasons for exclusion

Any exclusion will be at the recommendation of the Head and at the discretion of the Principals.

Reasons for exclusion:

- Serious breach of the School's rules or policies
- Risk of harm to the education or welfare of the pupil or others in the School
- Breakdown of the relationship between the School and parents
- Non-payment of fees (as detailed in the Terms and Conditions)

The main categories of misconduct which may result in exclusion or requirement to leave the School are:

- harassment related to any protected characteristics
- bullying of any kind including, related to protected characteristics, child-on-child and cyberbullying
- serious actual or threatened violence against another pupil or a member of staff
- possession or use of an illegal drug or offensive weapon on School premises
- theft, blackmail or intimidation
- misconduct of a sexual nature, including child-on-child abuse; supply and/or possession of pornography or youth-produced sexual imagery
- vandalism and computer hacking
- persistent attitudes or behaviour which are inconsistent with the School's ethos
- incidents that bring the School into disrepute (single or repeated)

This list is not exhaustive. The Head may suspend or expel a pupil in other circumstances.

The Head may require a pupil to leave if, after all appropriate consultation, the Head is satisfied that it is not in the best interests of the pupil, or of the School, that they remain at the School.

2.2 Behaviour outside School

Pupils' behaviour outside School on school business e.g. on school trips (including overseas) or at sports fixtures, is subject to the School's behaviour policy. Inappropriate behaviour in such circumstances will be dealt with as if it had taken place in School.

For behaviour outside the School, not on school business, the Head may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole, or if it is deemed to be damaging to the reputation of the School.

Where an incident is reported to the School of a pupil's poor behaviour outside of the School and it was not witnessed by School staff, the School will take an evidence-based approach and/or talk to witnesses before identifying further action and any sanctions required for such behaviour.

2.3 Pupils with special educational needs and disabled pupils

The School must take account of any special educational needs when considering whether or not to exclude a pupil.

We have a legal duty under the Disability Discrimination Act 1995 (as amended by the Special Educational Needs and Disability Act 2001) not to discriminate against disabled pupils by excluding them from School for behaviour related to their disability. The Head should ensure that reasonable steps have been taken by the School to respond to a pupil's disability so the pupil is not treated less favourably for reasons related to the disability. 'Reasonable steps' could include:

- differentiation in the School's behaviour policy;

- developing strategies to prevent the pupil's behaviour;
- requesting external help with the pupil;
- staff training.

Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified if there is a material and substantial reason for it. A specific incident affecting order and discipline in the School may be such a reason.

3. TYPES OF EXCLUSION

3.1 Internal Exclusion / Suspension

An internal exclusion/suspension is a form of exclusion where a pupil remains at school but is separated from other pupils and removed from their usual classes.

Internal exclusion/suspension will only be applied in line with the School's Behaviour Policy. Refer to the Behaviour Policy School Supplements for further details.

3.2 Suspension

Suspension is a temporary exclusion which should be for the shortest time necessary. It may be as a result of persistent or cumulative problems or as the result of a single incident.

Persistent or cumulative problems

Suspension for a period of time from half a day to 5 days for persistent or cumulative problems would be imposed only when the School had already offered and implemented a range of support and management strategies. These could include:

- discussion with the pupil;
- mentoring (Tutor support);
- report card (Support Card);
- discussions with parents;
- target setting;
- checking on any possible provocation;
- detention;
- school based community service;
- restorative practices and mediation;
- counselling;
- separation and internal exclusion.

Suspension will not be used for minor incidents (e.g. failure to do homework, lateness, poor academic performance or breaches of uniform rules), except where these are persistent and defiant.

Single incident

Suspension may be used in response to a serious breach of School rules and policies or a disciplinary offence.

In such cases the Head or a nominated member of the SLT will investigate the incident thoroughly and consider all evidence to support the allegation, taking account of the School's policies. The pupil will be encouraged to give their version of events and the Head will check whether the incident may have been provoked, for example by bullying or racial harassment.

If necessary the Head will consult with one of the Principals. One Principal will remain uninvolved so they are able to carry out a Principal's Review if required.

3.3 Permanent Exclusion (Expulsion)

An expulsion is a very serious decision and the Head may consult with a Principal before enforcing it.

As with a suspension, it will be seen as a last resort. It will follow a range of strategies, be in response to persistent or cumulative breaches of the School rules, or to a single serious breach of School rules and policies, or a criminal or disciplinary offence.

3.4 Removal from the School

As set out in the Terms and Conditions, in cases where the Head considers, after consultation with the parents, that the progress of the pupil has been unsatisfactory and the pupil is unwilling or unable to benefit sufficiently from the educational opportunities and / or community life offered by the School, or if a parent has treated the School or any members of its community unreasonably the Head may require the parents to remove the pupil. The Head may also require the removal of a pupil if they have committed a breach or breaches of the Code of Conduct or discipline for which removal is considered the appropriate sanction.

At the sole discretion of the Head, withdrawal of the pupil by the Parents may be permitted as an alternative to removal being required.

3.5 Removal from the School for other reasons

The Head may send a pupil home, after consultation with that pupil's parents and a health professional as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff, for example because of a diagnosed illness such as a notifiable disease. This is not an exclusion and should be for the shortest possible time.

4. PROCEDURES

The Head will apply any sanctions fairly, and, where appropriate, after due investigative action has taken place (such investigation to be carried out by the Head or their nominee). Any findings of fact will be made on the basis of whether it is more likely than not to have (or have not) occurred, i.e. the balance of probabilities.

Parents will be informed as soon as reasonably practicable if a complaint or allegation under investigation is of a nature that could result in the pupil being excluded.

The School reserves the right to require the pupil to remain away from School as a neutral act during an investigation procedure. Alternatively, the pupil may be placed under a segregated regime if they remain on school premises.

Prior to any decision being taken by the Head to exclude or require the removal of the pupil, the Head will meet with the pupil and their parents or (in circumstances involving the possibility of the pupil's required removal on the grounds of parental unreasonable behaviour) the parents.

If the Head considers that further investigation is needed, the meeting may be adjourned, and the reason for the adjournment will be explained to the pupil / their parents.

Following the conclusion of the meeting the Head will reach their decision. The Head will communicate their decision in writing normally within two working days from the meeting.

Temporary Exclusion (Suspension)

If the Head decides to suspend a pupil they will:

- send a letter to the parents confirming the reasons for the exclusion, the length of the exclusion and any terms or conditions agreed for the pupil's return
- in cases of more than a day's suspension, ensure that appropriate work is set and that arrangements are in place for it to be marked
- plan how to address the pupil's needs on their return
- put in place a strategy prior to a pupil returning including a meeting with parents and pupil on their return

A temporary exclusion should not be enforced if doing so may put the safety of the pupil at risk. In cases where parents will not comply by, for example, refusing to collect the child, the child's welfare is the priority.

Permanent Exclusion (Expulsion) or Removal

If the Head decides that the pupil must leave the School, they will consult with the parents before deciding on the pupil's leaving status. If no agreement can be reached, the Head will determine the leaving status.

A decision to expel or remove a pupil shall take effect seven calendar days after the decision is first communicated to a parent. The pupil will remain suspended and away from School premises. If parents make a written application for a Principal's review during these seven calendar days, the pupil will remain suspended until the outcome of the review.

The Head will determine arrangements for the pupil's departure:

- the letter that will be written to the parents
- the form of announcement in School
- the form of reference which will be supplied for the pupil
- whether the pupil is permitted to come onto School premises in the future and any conditions
- transfer of any coursework to the pupil, parents or another school

4.3 Fees

Refer to the Terms and Conditions for details regarding fees.

4.4 Marking attendance registers following exclusion

When a pupil is excluded temporarily, he/she should be marked as absent using Code E.

4.5 PRINCIPALS' REVIEW

The decision to expel or require the removal of a pupil from the School may be subject to Review by a Principal at the parents' request. The decision to suspend a pupil for fewer than 11 school days may not be subject to review unless the suspension would prevent the pupil taking a public examination or completing non-assessed coursework for the purposes of submission to a public examination body.

If parents wish to ask for a review of the decision to expel or require the removal of a pupil from the School, they must make the request within seven calendar days of being notified of the decision. Parents must state the grounds on which they are requesting a Review and the outcome they are seeking.

If a decision is taken by the parents to withdraw the pupil, the parents will waive any right to an appeal.

The matter will be referred to one of the Principals, who has not have been involved in the initial decision to exclude. They will acknowledge the request and carry out the Review and where appropriate, they will schedule a meeting to take place as soon as practicable and normally within five calendar days.

The role of the Review is to consider the documentation provided by the parties and representations made. It is not the role of the Reviewer to reinstate a pupil at the School against the wishes of the Head. The Reviewer may decide whether to uphold the Head's decision or refer the decision back to them with recommendations so that they may consider the matter further. Where further investigation is required, the Reviewer will decide how it should be carried out.

Where a Review meeting will be held, records relating to the decision to exclude and the parents' complaint will be copied to all parties not later than two days prior to the hearing. In no circumstances however shall the School or its staff be required to divulge to parents or others any confidential information on or the identities of pupils or others who have given information which has led to the exclusion or which the Head has acquired during an investigation.

Where new information is received that was not available to the Head prior to making a decision, the Reviewer will decide whether or not it is relevant to the grounds of the Review, or whether the information should be referred to the Head on whether the decision should be re-visited.

The parents may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate.

The Reviewer will write to the parents informing them of the decision and the reasons for it normally within ten calendar days of this original request for a Review. The decision of the Reviewer will be final. The Reviewer's findings and, if any, recommendations will be sent in writing to the parents, the Head and the other Principal.

6. LEGISLATION AND GUIDANCE

This Policy bears due regard to the following statutory guidance and other advice.

DfE Keeping children safe in education (September 2023)

DfE Advice 'Behaviour in Schools' (July 2022)

ISBA Discipline, Exclusions and Required Removal Guidance (August 2023)