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Dyson Perrins Church of England Academy

Exclusions and Appeals

Approved by the Governors: December 2023

1. Rationale

Exclusion is the most serious sanction available to the school and can only be imposed by the Headteacher [or Deputy Head if the Headteacher is not in school]. Any decision to exclude either for a fixed-term or in rare cases, permanently, is not taken lightly. The decision to exclude is based on:

- Whether the student has seriously breached the School Behaviour Policy
- Whether allowing the student to remain in school would seriously harm the education, welfare and safety of the student or others within the school.

This exclusions policy is written in line with statutory guidance [‘Suspension and Permanent Exclusions from maintained schools and academies’ 2023](#) guidance and with consideration to the Equality Act 2010.

2. Links to other policies

This policy should be read in conjunction with the following policies:

- Anti-bullying
- Behaviour
- Special Education Needs and Disabilities
- Equal Opportunities
- Drugs Use and Misuse Policy
- Safeguarding and Child Protection Policy.
- Uniform Policy

3. The decision to exclude

The decision to exclude is made solely by the Headteacher, or the Deputy Headteacher acting on the Headteacher’s behalf in the Headteacher’s absence. The Headteacher (can be delegated) will:

- Ensure that a thorough investigation has been carried out.
- Consider all the evidence available to support the allegations.
- Allow and encourage the student to give their version of events.
- Keep a written record of the actions taken, including the signed statements of witnesses, if relevant.
- Be confident that the procedures detailed later in this policy have been carried out.
- Ensure consideration has been given to any Special Educational Needs, where appropriate.
- Ensure consideration has been given to any child protection concerns.
- Ensure that parents are informed without delay .
- If relevant, ensure the student’s social worker and the Virtual School Headteacher are informed without delay
- Ensure that Worcestershire Children First are informed without delay

The burden of proof applied when deciding to exclude is done on the 'balance of probabilities'. This means that the head teacher should accept that something happened if it is more likely that it happened than that it did not happen.

Once the decision has been made to exclude, a student will only be sent home once contact has been made with parents/carers and where it is clear that the student will be returning to a place of safety. Work will be provided and either sent with the student or arrangements made for collection.

4. Fixed-term exclusion / Suspension

The Headteacher may exclude a student for one or more fixed periods that do not exceed a total of 45 school days in any one school year.

The decision to exclude a student for a fixed-term may be taken in response to breaches of the school's behaviour policy. Examples of behaviour that may lead to a fixed-term exclusion include the following:

- Persistent poor behaviour contrary to acceptable behaviour outlined in the School's expectations
- Persistent refusal to follow staff's reasonable instructions
- Verbal abuse of staff or students
- Physical abuse of staff or students
- Damage to property
- Smoking or carrying smoking paraphernalia in school ('smoking' includes vaping)
- Theft
- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse, harassment or assault
- Use of sexualised language
- Prejudiced behaviour (behaviour contrary to the Equality Act 2010 and protected characteristics)
- Consuming, carrying or supplying an illegal substance
- Carrying an offensive weapon* or a banned item
- Arson
- Bullying including online-bullying
- Unsafe behaviour that places themselves or others at risk of harm

(* a weapon is defined as any item made or adapted for causing injury)

This is not an exhaustive list and there may be other examples of behaviour where the Headteacher judges that exclusion is an appropriate sanction. The Head Teacher may exclude a student for one or more fixed periods that do not exceed a total of 45 school days in any one school year. During a fixed term exclusion of 5 or fewer days, work will be set by the school for the student to complete at home. This work should be returned, completed, at the end of the exclusion. For an exclusion of longer than 5 days, the school will arrange full-time educational provision from the sixth day of exclusion. This may include online learning.

Before the end of any fixed-term exclusion, parents/carers will be invited to attend a reintegration/re-admittance meeting at the school with their son/daughter. The purpose of the meeting is to ensure that the student understands the reason for the exclusion and is committed to preventing the behaviour that led to the exclusion from being repeated. The school will consider all further support needed to help the student, including the school's early help offer or referral to external agencies if appropriate. Whilst each exclusion is treated on its own merit, fixed-term exclusions are likely to be increased in length for repeated misconduct.

A panel of governors will consider any student with exclusions totalling more than fifteen days in a term (or any exclusion which would prevent a student taking a public examination). Parents have a right to attend this meeting, with or without the student, and to be accompanied by a friend or advisor. They may also send written evidence if they so wish.

During the first five days of any exclusion, the parents of an excluded student must ensure that they are not present in a public place during normal school hours without reasonable justification, whether with or without a parent / carer.

5. Permanent exclusion

Permanent exclusion is an extremely rare sanction and should be avoided whenever possible. In very rare cases, the Headteacher may take the decision to exclude a pupil permanently:

- In response to a serious breach, or persistent breaches, of the school's behaviour policy
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

A student may be permanently excluded where there have been repeated breaches of the behaviour for learning policy for which a range of consequences and strategies have been applied without success.

There may be exceptional circumstances where, in the judgement of the Headteacher it is appropriate to permanently exclude a student for a first or 'one off' offence. These might include (list not exhaustive):

- Serious actual or threatened violence against another student or member of staff.
- Sexual abuse, harassment or assault
- Serious bullying including online-bullying
- Consuming, carrying or supplying an illegal substance
- Carrying an offensive weapon.

Serious prejudiced behaviour (behaviour contrary to the Equality Act 2010 and protected characteristics)

6. Exclusions related to students' conduct outside of school premises

When in public places, students are expected to act as ambassadors for Dyson Perrins CE Academy and ensure that, through their conduct, the reputation of the school is enhanced. Dyson Perrins CE Academy can put appropriate sanctions in place, including exclusions, for misbehaviour when students are:

- when taking part in any school-organised or school-related activity;
- when travelling to or from school;
- when wearing school uniform;
- when in some other way identifiable as a pupil at the school;
- that could have repercussions for the orderly running of the school;
- that poses a threat to another pupil; or
- that could adversely affect the reputation of the school.

7. Governors' exclusions panel

The Headteacher has the right to withdraw a fixed-term or permanent exclusion that has not yet been reviewed by the governors' panel. If this occurs, parents, the governing board and Worcestershire Children First should be notified, and if relevant, the social worker and Virtual School Headteacher.

The Governors' Exclusions Panel will review within 15 days any exclusion that results in a student being excluded for more than 15 school days in any one term, and any permanent exclusions. The panel may choose to hold the review online rather than in person as long as all invited parties have suitable access.

Parents / carers have the right to make representations to the governing body about a decision to exclude, and where an exclusion would mean a student being excluded for more than 5 school days in a term they may request reinstatement of the student. The representations should be made in writing and should set out the question(s) which they wish the committee to consider.' See DfE Guidance (2023) for full details.

The following parties must be invited to a meeting of the governing board and allowed to make representations or share information:

- parents (and, where requested, a representative or friend);
- the pupil if they are 18 years or over;
- the headteacher;
- a representative of the local authority (as an observer who can only make representations with the panel's consent);
- the child's social worker if the pupil has one; and
- the Virtual School Headteacher if the child is Looked After in Care.

The Committee may decline to reinstate the student; or direct reinstatement of the student immediately or on a particular date. The parent / carer will be informed of the committee's decision writing, with reasons. If the exclusion is upheld, the parent /carer has the right to ask for a review by an Independent Review Panel - by writing to the Clerk to the governors c/o the school within 15 school days.

8. Right of appeal to an Independent Review Panel

The governing board must notify parents, the Headteacher, and where relevant, the pupil's social worker and/or the Virtual School Headteacher of its decision, and the reasons for it, in writing and without delay. Where the pupil resides in a different local authority area from the one in which the school is located, the governing board must also inform the pupil's 'home authority'.

In the case of a permanent exclusion where the governing board decides not to reinstate the student, the governing board's notification must state that the exclusion is permanent and provide notice of parents' right to ask for the decision to be reviewed by an Independent Review Panel.

The Independent Review Panel should take place no later than 15 days from the date on which notice in writing of the governing board's decision is given to parents.

9. Requests for remote access meetings

Parents can request a meeting to be held via the use of remote access but this should not be a default option. Governing boards or arranging authorities must hold the meeting via the use of remote access, if the request has been made correctly as set out in the Headteacher's written notification or the governing board's written notification to the parents that they can request an Independent Review Panel. Holding meetings via remote access must only be done if governing

boards are satisfied that the meeting is capable of being held fairly and transparently. Where a parent does not request a remote meeting or does not state a wish either way, governing boards and arranging authorities must hold the meeting in person unless there are exceptional circumstances (see DfE Suspension and Permanent Exclusion September 2023 Part 11 for further guidance).

Appendix 1

A summary of the governing board’s duties to review the headteacher’s exclusion decision

