

Exclusions Policy

1. Introduction

At TreeHouse School we believe that our pupils/learners best learn, thrive, and achieve, in a positive, ambitious, nurturing environment where all members of our school community feel safe and supported in their day-to-day participation in school life.

Often young people are placed in our school, following a breakdown in their previous setting, which has resulted in exclusion. Therefore, some of our young people and their families have experience of multiple exclusions before they reach us.

It is therefore all the more important that pupils/learners and their families are aware that, though the Head of School retains the power to authorise suspension and permanent exclusions, the decision to exclude, whether for a suspension or permanent, is a very serious consideration which, in normal circumstances, will only be used as a last resort when a range of other strategies has been exhausted. Only the Head of School or, in their absence, a member of the school senior leadership team, acting with the authority of the Head of School, can exclude a pupil/learner.

Pupils/learners at risk of exclusions should be enabled and encouraged to participate at all stages of the exclusion process, considering their age and level of understanding.

4. Links to legislation and guidance

This policy takes account of the [DfE Guidance on Suspension and Permanent Exclusion \(Sept 2022\)](#), the DfE Guidance on [Behaviour in Schools \(Sept 2022\)](#), Keeping Children Safe in Education (2022), Working Together to Safeguarding Children (2018) [Working Together to Safeguarding Children \(2018\)](#), our duties under the Education and Inspections Act 2006, 2011 and our duties under the Equality Act 2010 and the Children and Families Act 2014.

4. Links with other school policies and practices

This policy should be read alongside the following organisational policies:

- Behaviour Policy
- Child Protection and Safeguarding Policy and Procedures
- Adult at Risk Safeguarding and Protection Policy and Procedures
- Equity, Diversity and Inclusion Policy
- Anti-bullying Policy

4. Policy summary

All children and young people have a right to education. A decision to exclude a pupil/learner on a suspension or permanent basis, will only be considered in exceptional circumstances and then only when all alternatives to exclusion have been implemented and exhausted.

The decision to permanently exclude is an acknowledgement by the school that it has exhausted all available strategies for supporting the pupil/learner.

When a decision is made to suspend or permanently exclude parents/carers must be informed without delay. If a pupil/learner has a social worker, or if they are looked after, social workers must also be informed.

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When a decision is made to suspend or permanently the placing Local Authority must also be informed.

A decision to impose a suspension, formerly known as a fixed term exclusion might be considered as the last resort when:

- Serious and repeated incidents have taken place;
- There is serious or persistent breaches of the school's behaviour policy;
- Allowing the pupil/learner to remain in school would seriously harm the education or welfare of other pupils/learners;
- A 'cooling off' period is considered essential for the learner and/or time over and above what can reasonably be expected within the normal responsibilities of teaching or facilities staff are required in order to reorganise rooms, repair and make safe property damage, adjust teaching arrangements or to prepare new materials.

5. The Three Stage Approach

To avoid the need for exclusion the school initiates three stages of support and recording prior to any suspension or permanent exclusion. The only exception being when the impact of one incident is so severe that an immediate decision to exclude on a suspension basis is required in order to avoid serious harm to the education and welfare of the pupil/learner or others in the school.

Stage One:

Staff working with the pupil/learner observe and can evidence that there may be an escalation of behaviour that, without further targeted intervention, might lead to circumstances where a suspension or permanent exclusion may be the only action available.

Reporting and responding to Stage One concerns:

- Internal reporting of the incident(s) by the class team to the Leadership Team members of the school using BehaviourWatch and communicating in person. A follow up email should be sent. It should be noted that email alone is not considered enough communication with the Leadership Team when a Stage One concern is being raised;
- Staff use BehaviourWatch to report what management action is taken in response to the incident. They identify trends or patterns to the incidents. This may include reasonable adjustments such as changes to the behaviour plan, additional staff training, a review of the pupil's/learner's curriculum and programmes or adaptations to the environment;
- Parents/carers are informed of the actual incident(s) via the home-school book or their preferred method of receiving information from school;
- Key staff (Teachers, Senior Behaviour Analyst) alert Senior Leadership Team (specifically a member of Senior Leadership) that a Stage One concern has been raised. Advice is sought from the Transdisciplinary Team to develop alternative behaviour support strategies;
- Key staff ensures the Assistant Head is informed and involved in planning support for the pupil/learner;
- Support offered to both monitor and develop strategies to overcome the issues. The pupil's/learner's Behaviour Support Plan is revised if appropriate.

Parents/carers are notified by the appropriate senior leader of the actions being taken and the timeframe within which improvements are expected to be observed. Parents/carers are advised that these are being implemented as an alternative to exclusion. Where there is concern as a result of persistent or repeated incidents of a similar nature, it should not be a surprise to parents/carers that the school is implementing alternative to exclusion.

Stage Two:

Reporting and responding to Stage Two concerns:

- An internal discussion involving the School Senior Leadership Team is held to explore further strategies (e.g. whether to agree an intervention of an increased staff ratio, or an intervention of a pupil/learner receiving individual teaching in a separate space);

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- Parents/carers are contacted in person and subsequently in a letter written by the Head of School informing them that the behaviours of distress are continuing and that the strategies being implemented are not having the desired effect. Parents/carers are advised that should further strategies fail to have a positive effect, a 'Case Conference' will be held in school to discuss the matter.

Stage Three:

- Staff working with the pupil/learner observe and can evidence that the escalation of behaviour support and internal strategies implemented thus far have failed to positively affect the behaviour within the time period agreed at Stage Two and that without further targeted intervention, might lead to circumstances where a suspension or permanent exclusion may be the only action available;
- A 'Case Conference' is called by the Head of School. The Case Conference should involve the parents/carers, staff working with the pupil/learner as appropriate and the Head of school. A letter is sent to the placing Local Authority (LA) informing them of the Case Conference and the details of the issue and inviting them to attend should they wish to;
- The key objective of the Case Conference is to determine whether it might be possible to change the behaviour of concern or whether a suspension would be appropriate.
- This meeting would also trigger an Emergency Annual Review to be scheduled.

A suspension/exclusion may not be given at Stage Three whilst waiting for a Case Conference to be organised.

6. Unlawful exclusions

It is unlawful to exclude a pupil/learner or increase the severity of an exclusion for non-disciplinary reasons such as:

- The pupil/learner having additional needs or a disability that the school feels unable to meet;
- Academic ability or attainment;
- The pupil/learner failing to meet specific conditions before he or she is reinstated following a fixed- term;
- The actions of the child's parents/carers (Paragraph 12, DfE guidance 2012).

When deciding whether to exclude a pupil/learner, the Head of School must consider the school's responsibilities under the Equality Act 2010. Schools must not discriminate against, harass or victimise pupils/learners because of their sex, race, disability, religion or belief or sexual orientation; because of pregnancy/maternity; or because of gender reassignment. The Head of School must ensure that all school policies and practices do not discriminate against pupils/learners by unfairly increasing their risk of exclusion.

'Informal' or 'unofficial' exclusions such as sending a pupil/learner home to 'cool off' or reducing the length of a child's day in school are unlawful whether they occur with the agreement of the parents or carers. Any exclusion of a pupil/learner, even for short periods of time, must be formally recorded.

7. Suspensions

A decision to exclude a pupil/learner for a suspension will only be considered in exceptional circumstances.

These might be where:

- Serious and repeated incidents have taken place;
- Allowing the pupil/learner to remain in school would seriously harm the education or welfare of other pupils/learners and there is a real risk of injury to staff;
- A 'cooling off' period is considered to be essential for a pupil/learner or pupils/learners and/or time is needed to reorganise the classroom, teaching arrangements or prepare new materials, in the context of adapting the school environment in order to continue to meet the pupil's/learner's needs;

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- And where the necessary time to do this is over and above what can be carried out within the normal expectation on teaching staff.

Before any decision to exclude for a suspension is reached the Head of School will consider all the relevant facts in the context of the school's policies for behaviour, safeguarding and child protection of children and vulnerable adults and equal opportunities and consult with colleagues. A suspension will not take place without prior discussion with parents/carers about the issues that have led to considering the exclusion and the implementation of the three Stage process outlined above.

The length of the suspension must be fixed for a precise period, and reasons for it given in a letter within one school day. Usually the parent/carer will be informed by telephone on the day of the exclusion by the Head of School. The parent/carer has a right to make representations to the school's governing body, and the letter should set out how to do this and who to contact in order to do this.

The Head of the School will inform the Chair of the Governing Body of any suspensions/exclusions. The Head of School will also inform the placing Local Authority, the named social worker and in the case of a child looked after, the VSH.¹

The maximum amount of time for which a child can be excluded is 45 days in any single school year. It is also possible to exclude a child for lunch times only. Each day of lunchtime exclusion counts as a half day exclusion.

The school will take reasonable steps to set and mark work for a pupil/learner during the first five school days of an exclusion, during which time parents/carers can be expected to provide supervision for their child. However, there are obvious benefits in arranging alternative provision to begin as soon as possible after an exclusion.

For a suspension of more than five school days, the Governing Body must arrange suitable full-time education for any pupil/learner of compulsory school age. This must begin no later than the sixth day of the exclusion.

8. Permanent exclusion

A decision to permanently exclude a pupil/learner should only be considered in very rare and exceptional circumstances and only when the three stage process has been completed and exhausted. These might be:

- In response to serious breach, or persistent breaches of the school's behaviour policy, and;
- Where allowing the pupil/learner to remain in school would seriously harm the education or welfare of the pupil/learner or others in the school (Paragraph 11, DfE 2022).

Before any decision to permanently exclude is reached, the Head of School will take account of any contributing factors that are identified after a serious incident of behaviours of distress has occurred. These might include where a pupil/learner has suffered a bereavement, has been subject to bullying or where their needs beyond school have been identified as not being met.

Behaviours of distress can be an indication of unmet needs. Where the school has concerns about a pupil's/learner's behaviour it 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 the school will give consideration to a multi-agency assessment that goes beyond the pupil's/learner's educational needs.

The Head of School will consider all the relevant facts in the context of the school's policies for

¹ VSH are the lead responsible officer in the LA for ensuring that arrangements are in place to improve the educational experiences and outcomes of the authority's looked-after children, including those placed out-of-authority.

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behaviour, child protection and equal opportunities and consult with colleagues. It is highly unlikely that any permanent exclusion will take place without a history of discussion with the child's parents/carers and the placing LA. The decision to permanently exclude is an acknowledgement by the school that it has exhausted all available strategies for supporting a pupil/learner.

For permanent exclusions, the LA must arrange suitable full-time education for the pupil/learner. This must begin no later than the sixth day of the exclusion.

Where a permanently excluded pupil/learner has an EHC Plan, the placing LA must ensure that an appropriate full-time placement is identified in consultation with parents/carers. Parents/carers retain their right to express a preference for a school should they wish their child to attend or may make representations for a placement in any other school. The DfE guidance clarifies that the placement does have to be suitable with the pupil's/learner's EHC plan (SEN Code 10.47-52).

9. Management of a permanent or suspension

(a) Notification

In the very rare circumstance when a permanent exclusion occurs, parent/carer and LA representatives will be informed well in advance through their involvement in meetings to discuss prior steps and any on-going management issues. Any exclusion must be treated in the strictest confidence.

If permanent exclusion or suspension is considered necessary the Head of School must inform the pupil's/learner's parents/carers and the placing LA immediately, ideally by telephone followed up by a letter explaining the circumstances. In the case of a child looked after, the VSH must also be informed. When the parent/carer must be notified in writing depends on when the pupil/learner is excluded.

- Where the pupil/learner is excluded at the end of the afternoon session and the exclusion takes effect from the next school day, notice must be given before the start of that day;
- Where the pupil/learner is excluded in the morning session and the exclusion takes effect from that afternoon, notice must be given before the start of the afternoon;
- Where the pupil/learner is excluded in the afternoon session and the exclusion takes effect that afternoon, the notice must be given by the end of the afternoon session.

Notices must be in writing and must state:

- For a suspension, the precise period of the exclusion;
- For a permanent exclusion, the fact that it is a permanent exclusion;
- The reasons for the exclusion;
- The date of the commencement and ending (if suspension);
- The parents'/carers' right to make representations about the exclusion to the governing body and to see any reports describing events leading up to the exclusion;
- The person the parent/carer should make contact with if they wish to make representations about the exclusion (this will normally be a trustee or member of the governing body who will become the chair of the committee established to consider the representation);
- The arrangements for the pupil/learner to continue his/her education during the first five school days of the exclusion;
- The name and telephone number of the placing LA officer the parent/carer may contact for further advice;
- The Head of School must immediately inform the chair of the governing body, the placing LA and notify at least one other governing body member/trustee (who will then become the chair of the committee established to consider any representation that may be made about the exclusion) of:
 - Permanent exclusions;
 - Exclusions which would result in the pupil/learner being excluded for more than five

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- days (or more than 10 lunchtimes) in any one term;
- Exclusions which would result in the pupil/learner missing a public examination.

(b) Representations

If the parent/carer or the placing LA wish to make representation about a pupil/learner exclusion, they will inform the governing body member selected to be the chair of the committee set up to review the pupil's/learner's exclusion.

The Head of School will provide an exclusion report for the committee chair. This will include:

- The pupil's/learner's name, age, sex identification and ethnicity;
- The length of the exclusion;
- The reason for the exclusion and any associated reports;
- Whether or not the pupil/learner is in public care;
- For a suspension of pupils/learners of compulsory school age, where the exclusion is for more than five school days, what alternative provision has been put in place for the pupil/learner.

The committee chair will make contact with at least two other governing body members (including at least one trustee) to form a committee to consider the parents'/carers'/LA's representation at a meeting within 15 school days of receipt of the representation(s).

The committee chair will determine the date the committee will meet and ask the parent/carer/LA to provide any written statements one week in advance of the meeting. Parents/carers will be informed that they may be accompanied by a friend or advocate if they wish. It will be possible if the parent/carer wishes to join the meeting remotely, using an online meeting platform.

The committee chair will circulate the Head of School's report and any written statements prior to the meeting.

(c) Meeting to consider a LA or parent/carer representation about an exclusion

The meeting will be convened by the chair within the agreed time limits or as soon as possible thereafter by mutual agreement. Where reinstatement is a practical option, the committee will consider the information presented and decide whether the Head of School should be directed to reinstate the pupil/learner or not. This decision will be given to all involved within twenty four hours. If the decision is for reinstatement the Head of School will be required to make the necessary reintegration arrangements.

Further information for chairs is available at:

<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/a0076521/independent-appeal-panels>

If the decision of the committee is to not reinstate the pupil/learner then the parents/carer/LA will be told of their right to appeal to an independent panel and be given the name of the chair of this panel. In such circumstances DfE guidance will be followed with regard to establishment of such an appeal committee and future action.

Where reinstatement is not a practical option (e.g. the pupil/learner has already been reinstated or the parents/carer wish for an alternative placement) the committee will consider the information presented and decide whether or not a note of the committee meeting and the views presented should be placed on the pupil's/learner's file.

Where parents/carer (or excluded pupil/learner, if aged 18 or over) dispute the decision of the governing body not to reinstate a permanently excluded pupil/learner, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a suspension or permanent exclusion, parents/carers can also make a claim to the First-tier Tribunal (for disability discrimination) or a

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County Court (for other forms of discrimination).

An independent review panel does not have the power to direct a governing body to reinstate an excluded pupil/learner. However, where a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing body to reconsider its decision. If the governing body does not subsequently offer to reinstate a pupil/learner, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the placing local authority towards the costs of providing alternative provision.

(d) Length of suspension

There is no legal requirement for the Head of School to inform the governing body or trustees of a suspension (i.e. those of up to and including 5 school days in total in any one term). The law requires the Head of School to report suspensions once a term to the governing body. However AAA and AAAst views it as good practice to inform the chair of the governing body and the Director of Education immediately of any intention to exclude.

(e) Education of excluded pupils/learners

The school recognises that in the event of an exclusion of any pupil/learner an interruption in the education of that pupil/learner will occur. In the event of an exclusion taking place, the school will work with the parents/carers and the placing LA to support a continuity of education. The continuation of one to one support away from the school is not always practicable. In those circumstances, the school will seek to advise both parents/carers and the LA on appropriate strategies that might be employed in other settings.

In some circumstances a managed move might be considered to another school, which must be able to meet the need of the pupil/learner. The school would consult with the placing local authority (LA) before moving the pupil/learner. Where a pupil/learner has an Education Health and Care Plan, is looked after by the LA, or where there is other support from, for example, health or care services, those services must be actively involved in review/planning meetings prior to the managed move protocol.

(f) Preparation for reintegration to school

A plan will be drawn up to support a child's reintegration to school following any period of exclusion. All members of staff working with the pupil/learner need to be informed of this by the Head of School.

A programme of reintegration will be put in place following a suspension. This will be discussed with pupils/learners/parents/carers at or prior to the reintegration meeting, which will be conducted by a member of the Senior Leadership Team on or before the pupil/learner returns to school. Other key members of staff may be involved in this discussion. Reintegration programmes will be based on a functional analysis of the pupil's/learner's behaviours of distress and may involve:

- Returning to school initially on a reduced timetable and gradually building up the time spent in school;
- Teaching being delivered off-site by members of staff for a fixed period of time, reviewed at regular intervals agreed with the pupils/learners and parents/carers;
- Having one-to-one provision made on-site with gradual reintegration into class. This will usually be reviewed on a weekly basis;
- Placing the pupil/learner on an individualised timetable. This will usually be reviewed on a weekly basis.

The aim is always to successfully reintegrate the child back into class full-time, as far as possible.

(g) Training

The school will ensure that all panel members and clerks have received training within the two years before the date of the review.

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10. Alternatives to exclusion

If the school feels that it can no longer manage the behaviour of a particular pupil/learner, the school may ask the LA to identify another school to take over the pupil's/learner's education. This should only be done with the full knowledge and co-operation of all parties involved, including the parents/carers and the placing LA, and in circumstances where it is in the best interests of the pupil/learner concerned. Parents/carers should never be pressured into removing their child from the school under the threat of a permanent exclusion.

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