



'Improving the quality of family life'

Exclusion Policy

Snowflake School will do everything in its power to ensure that it does not discriminate against students on any unlawful basis in considering any form of exclusion.

Removal of students on health and safety grounds

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

Students with special educational needs/disability (SEND)

It is recognised that statutory guidance on identifying, assessing and making provision for pupils with SEND, including those with behavioural, social and emotional needs, is given in the Special Educational Needs Code of Practice. Snowflake School will have regard to this guidance. The Board of Trustees has a statutory duty to do its best to ensure that the necessary provision is made for any pupil who has a special need.

Where a child is permanently excluded, the Headteacher will use the period between her initial decision and the meeting of the Board of Trustees to work with the pupil's Local Authority and/or parents to see whether more support can be made available or whether the statement should be changed to name a new school. If either of these options is possible, the Headteacher will normally withdraw the exclusion.

It is extremely important that parents/guardians of pupils with SEN who are excluded from school receive advice on the options available for their child's future education. Advice and information on SEN is available through local SEN Parent Partnerships. The Parent Partnership will also be able to provide details of voluntary agencies that offer support to parents/guardians, including those that can offer advice concerning exclusions.

The decision to exclude

A decision to exclude a pupil will be taken only:

- a) In response to serious breaches of the school's behaviour policy.

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- b) If allowing the pupil to remain in school would seriously harm the education or welfare of the student or others (including staff) in the school.

A decision to exclude a child **permanently** is a serious one. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies, which have been tried without success.

There will, however, be exceptional circumstances where, in the Headteacher's judgement, it is appropriate to permanently exclude a child for a first or 'one off' offence. These might include:

- a) Serious actual or threatened violence against another student or a member of staff.
- b) Sexual abuse or serious assault.
- d) Carrying an offensive weapon .

The Headteacher will need to consider whether or not to inform the police where such a criminal offence has taken place. They will also consider whether or not to inform other agencies.

These instances are not exhaustive, but indicate the severity of such offences and the fact that such behaviour can affect the discipline and well-being of the Snowflake School community.

In cases where the Headteacher has permanently excluded a student for:

- a) One of the above offences; or
- b) Persistent challenging behaviour and defiant behaviour including bullying (see Bullying Policy)

The Secretary of State would not normally expect the Board of Trustees or an Independent Appeal Panel to reinstate the student.

Factors that will be considered before making a decision to exclude

Exclusion will not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Headteacher will:

- a) Ensure that a thorough investigation/review has been carried out.
- b) Consider all the evidence available to support the allegations, taking account of Snowflake School's behavior and equal opportunities policies, and, where applicable, the Race Relations Act 1976 as amended and the Disability Discrimination Act 1995 as amended and work with the parents/outside agencies to try to resolve issues.
- c) Allow the pupil to give his or her version of events, in so far as it possible.
- d) Check whether the incident/s may have been provoked and check that all procedures have been followed correctly.
- e) Ensure that school staff and parents have met to plan/offer a modified timetable/curriculum for a set period of time to try to positively change behaviour (behaviour data and other assessments will be shared with parents to help this process).

- f) If necessary the Headteacher may consult others i.e. the Carbone Clinic Consultants (but not anyone who may later have a role in reviewing the Headteacher's decision, for example a member of the Board of Trustees).

The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the student did what he or she is alleged to have done, the Headteacher may exclude the student. However, the more serious the allegation, the more convincing the evidence substantiating the allegation will need to be. This is not the same as requiring the criminal standard to be applied but it does mean that, when investigating more serious allegations, the Headteacher will gather and take account of a wider range of evidence (extending in some instances to evidence of the pupil's past behaviour), in determining whether it is more probable than not that the pupil has committed the behaviour/alleged offence.

Where a police investigation leading to possible criminal proceedings has been initiated, the evidence available may be very limited. However, it will still be possible for the Headteacher to make a judgment on whether to exclude the pupil.

Fixed period (non-permanent) exclusion

- Snowflake School will not give a fixed period (non-permanent) exclusion for longer than a total of 45 days in any school year.
- Fixed period exclusions will be for a set period, typically 1 – 5 days.
- The Headteacher will telephone the pupil's parents/guardians on the day an exclusion is given and follow up with a letter that explains the period of exclusion, the reasons for it and who to contact if parents/guardians would like to give their views.
- Pupils will be excluded only if their presence at school would harm other pupils or seriously disrupt the learning of others.

Considerations following a fixed period exclusion:

The Headteacher will consider:

- a) How the time might be used to address the pupil's difficulties/problems and plan for a re integration into the school.
- b) Together with pupil's maintaining LA, what educational arrangements will best help with the pupil's reintegration into Snowflake School at the end of the exclusion.

The Headteacher will arrange a reintegration meeting with parents/guardians following the expiry of a fixed period exclusion. This will be an opportunity to discuss how best the pupil can return to school. This may well involve the establishment of an individual home school contract.

Parental co-operation

If efforts to resolve the issue with the parents/guardians are unsuccessful the Headteacher will consider whether to contact the Education Welfare Service and seek the advice of the LA about available options.

In cases where a child in public care is excluded, anyone who is legally defined as a parent will have the right to make representations and to appeal. The definition of a parent for the purposes of the Education Acts is broadly drawn and includes any person who has parental responsibility (which

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includes the Local Authority where they have a care order in respect of the child) and any person (for example, a foster parent) with whom the child lives. These are in addition to the child's birth parent(s). This means that there could be a number of people whom the Headteacher has to notify about exclusions and who will have the right to make representations and appeal.

Even where the Local Authority does not have parental responsibility, the child's social worker (if appropriate) will be informed about any exclusion.

Permanent exclusions

When a child has been permanently excluded:

- The school's Board of Trustees will be required to review the Headteacher's decision and the parents may meet with them to explain their views on the exclusion.
- If the Board of Trustees confirms the exclusion, the parents can appeal to an independent appeal panel.
- The Head teacher will explain in a letter to the parents about how to make an appeal.
- All local authorities have made a commitment to provide a child with a full-time education after a permanent exclusion - they will discuss the options with the parents once informed of the exclusion.

The **independent appeal panel** consists of at least three Trustees. Panels must not include people whose connections may cast doubt on their impartiality.

Review date: September 2023

Exclusion policy: Coronavirus addendum

1. Scope

This addendum applies for the duration of time that the Department for Education's (DfE's) statutory guidance on temporary changes to exclusions during COVID-19 is in place.

It sets out temporary changes to our normal exclusion policy. Pupils, parents and staff should continue to follow our normal exclusion policy with respect to anything not covered in this addendum.

We may need to amend or add to this addendum as circumstances or official guidance changes. We will communicate any changes to staff, parents and pupils.

2. Remote appeal panel meetings

For appeals relating to exclusions occurring between **1 June 2020 and 24 March 2022**, any meeting of a governing board exclusion panel will be held via remote access if:

- It is not reasonably practicable for the meeting to take place in person, within the usual timescales, due to coronavirus our Trustee Board is satisfied that:
- All participants agree to the use of remote access

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- All participants have access to the technology which will allow them to hear and speak throughout the meeting, and (if a live video link is used) to see the other participants and be seen by them
- All participants will be able to put across their point of view or fulfil their function
- The meeting can be held fairly and transparently via remote access

During remote meetings, procedural requirements will remain as normal. For example, parents can still have a friend or representative join the meeting.

2.1 Responsibilities of the governing board panel members

Our Trustee Board will make sure the conditions above are met before a meeting takes place. When determining this, they will assess:

- The facts of the individual case
- The circumstances in which a meeting in person could be expected to take place The needs of the participants (as far as this is possible)
- The latest public health guidance

Ahead of the meeting, our governing board panel members (or the arranging authority) will:

- Explain to participants what technology they propose to use
- Explain that participants do not have to agree to a remote meeting if they do not want to, though this will likely result in the meeting being delayed
- Take reasonable steps to facilitate participants' access to the technology required

If, once the meeting starts, it cannot proceed fairly (for example, because a participant cannot access the meeting), our governing board panel members will adjourn the meeting.

3. Timescales for holding panel meetings

3.1 Exclusions between 25 September 2020 and 24 March 2022

Our governing board will follow our normal timescales for holding meetings. However, where this is not reasonably practicable due to coronavirus or due to the conditions for a remote access meeting, the panel will hold them as soon as it is safe to meet in person or practical to do so via remote access.

4. Monitoring arrangements

The addendum to exclusion policy will be monitored termly and removed from the main policy when current legislation relating to the Covid pandemic ceases.