



Adopted by Full Governors on 01.07.2021 Item 73c

WHITLEY BAY HIGH SCHOOL
EXCLUSIONS POLICY
JUNE 2021

- This policy is based on and follows the DfE guidance 'Exclusion from maintained schools, academies and pupil referral units in England' September 2017.
- This policy also links closely to our Behaviour Policy.
- We work closely with the Local Authority when dealing with issues of Fixed Term and Permanent Exclusions.

1. **Our aim**

At Whitley Bay High School our ambition is to create a safe, happy, productive, hard-working learning community. High attendance has a proven correlation to academic achievement and future prosperity and therefore we would never exclude students lightly. However, students need boundaries and to know that actions have consequences and, therefore, it is occasionally necessary to exclude. Typically rates of exclusion are low at Whitley Bay High School compared to the national average and we intend to work hard to avoid exclusion.

2. **DfE Guidance (September 2017)**

- 2.1 Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports head teachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to serious or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school." (Page 6 of the DfE Guidance)
- 2.2 The decision to exclude a student must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against students on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of students from groups who are vulnerable to exclusion. (Page 6 of the DfE Guidance)
- 2.3 Only the Headteacher¹ of a school can exclude a student and this must be on disciplinary grounds. A student may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed-period exclusion does not have to be for a continuous period. (Page 8 of the DfE Guidance)
- 2.4 When establishing the facts in relation to an exclusion decision, the Headteacher must apply the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the Headteacher should accept that something happened if it is more likely that it happened than that it did not happen. (Page 9 of the DfE Guidance)

3. **General Principles**

- 3.1 Exclusion is a disciplinary sanction used only in response to serious breaches of the school's Policy on Behaviour as set out in the Staff Handbook, or of the criminal law.
- a) A fixed term exclusion is defined as one of between ½ day and 15 days, but which is usually of between one and five days, followed by a re-admission meeting with parents and the

student in school. No student may be excluded for a total of more than 45 days in one academic year. In practice, other support would be sought long before getting anywhere near that threshold.

Fixed term as a sanction is used sparingly, and would normally be a last response following one or more of other identified strategies such as:

- assessment by Special Needs Coordinator
- individual withdrawal from timetabled lessons
- interview with student and parents
- formal warning issued in conjunction with a personal behaviour contract, such as a Pastoral Support Plan
- following an internal report process emphasising rewards/praise
- the involvement of outside agencies such as the educational psychologist, and which might, less commonly, involve the Social Services or the Police.
- referral to the School Support Team for advice and guidance

Ordinarily students who are excluded will be placed for the duration of their exclusion at the First Day Response, part of the North Tyneside Student Support Service. Students are expected to attend the Centre fully and to obtain a positive Exit Report as a condition of their subsequent re-admission to school. Work will be provided as per national guidelines i.e. the first five days of any exclusion.

All children have a right to education. The School will take reasonable steps to set and mark work for students during the first five school days of an exclusion; and alternative provision will be arranged from the sixth day. Alternative provision will begin as soon as possible after an exclusion.

b) A permanent exclusion means that the child will not return to school, subject to Governors ratifying the Head's decision. After five days, the responsibility for the student's education reverts to the LA.

Permanent exclusion will be used even more sparingly but is sometimes necessary for more serious breaches of behaviour.

- 3.3 Exclusion will only be carried out by the Headteacher, or Deputy Headteacher/Acting Headteacher when acting in the Head's absence.
- 3.4 If, as is likely in many cases, the recommendation for exclusion comes from another member of staff, the Headteacher will not decide upon exclusion until she/he is in possession of all the relevant facts and has firm evidence to support the allegations made.
- 3.5 In the interests of fairness this will, wherever possible, include an opportunity for the student facing exclusion to express a view.

- 3.6 Decisions to exclude will allow appropriate time for evidence to be weighed and will not be taken in the heat of the moment except where there is a risk to the safety of the student, or of other students or staff.
- 3.7 In all cases of exclusion the Headteacher will keep the Governing Body fully informed, initially by letter, to the Chair of the Governing Body.
- 3.8 Exclusion will not be used for minor incidents such as breaches of school uniform rules, failure to complete homework or non-attendance. Persistent defiance, rudeness and disrupting the learning of others may result in exclusion.
- 3.9 All Staff will not actively seek to encourage voluntary withdrawal of a student by parents.
- 3.10 At all times, the timescales for informing parents, the Governing Body and the Local Education Authority as laid down in The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 will be adhered to.
- 3.11 Parents will be advised of their right to appeal to the Governing Body and an Independent Review Panel.

4. Procedures

- 4.1 The decision to adopt exclusion as a sanction will in all cases take account of the following factors and pay due regard to the Single Equality Duty as set out in the 2010 Equality Act:
 - a. the age and state of health of the student
 - b. the student's record in any previous school and the current school record
 - c. any particular circumstance unique to the student which might be taken into account in connection with behaviour, e.g. domestic circumstances, special educational needs
 - d. the extent to which parental, peer or other pressure may have contributed to the behaviour
 - e. the degree of severity of the behaviour
 - f. the frequency of its occurrence
 - g. the likelihood of it recurring
 - h. whether the behaviour impaired or will impair the normal function of the student or other students in the school
 - i. whether the behaviour constitutes a risk to the safety and wellbeing of other students or staff
 - j. the degree to which the behaviour was a breach of the school Policy on behaviour and the relative severity of the breach.
 - k. whether the incident was perpetrated by the student on her or his own and the extent to which they bear responsibility as part of a group
 - l. whether consideration has been given to seeking the support of other agencies such as the Educational Psychology Service, the Front Door service or CAMHS.

- 4.2 Where the behaviour or incident occurred when the student was on the way to or from school, or during the lunch hour, consideration will be given as to whether it had a serious impact on the life or reputation of the school paying regard to the school's published Behaviour Policy.
- 4.3 Where the behaviour in question takes place outside school hours exclusion may be considered where there has been police involvement, or where it is considered that the behaviour constitutes a serious threat to the future safety of students or staff at the school.

A summary of some of this information is available to students through the tutorial programme.

5. Covid addendum

- 5.1 Statutory guidance due to Covid was updated on 4.3.21 in the DfE document '**Changes to the school suspension and expulsion process during the coronavirus (COVID-19) outbreak**'. All expulsions occurring between 25 September 2020 and 24 September 2021 (inclusive of those dates) are subject to amended arrangements with regards to:
 - a. the use of remote access technology (for example, videoconferencing or telephone conferencing software) for meetings of governing boards or independent review panels.
 - b. the deadline for applications for an independent review where it may be pertinent to allow for an extension in some circumstances, such as taking longer to organise and facilitate a remote meeting.
- 5.2 For the academic year 2020-2021, students have not been able to access the First Day Response provision due to the mixing of Covid bubbles. Exclusions have therefore had to take place at home with remote work provided by school.

¹ In a maintained school, 'Headteacher' includes an Acting Headteacher by virtue of section 579(1) of the Education Act 1996. An acting Headteacher is someone appointed to carry out the functions of the Headteacher in the Headteacher's absence or pending the appointment of a Headteacher. This will not necessarily be the Deputy Headteacher: it will depend who is appointed to the role of Acting Headteacher. In an academy, 'Principal' includes Acting Principal by virtue of regulation 21 of the School Discipline (Students Exclusions and Reviews) (England) Regulations 2012.