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EXCLUSIONS POLICY

This policy remains in place with some temporary amendments due to COVID 19 implications, at which point they will automatically not apply or will be extended due to governmental direction. See appendix A

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Review Cycle:	Every 3 years
Author:	DGU
Committee:	Standards & Curriculum

RATIONALE

At KNGS we aim to open a world of opportunities for every one of our students to achieve the highest possible academic standards and to develop the life skills and confidence to succeed as young people in the modern world. We take care to ensure that students play a part as citizens within the school and their local community. We provide a caring, relaxed yet purposeful environment in which students can flourish.

In order to ensure this, it is at times necessary to impose sanctions. Sanctions range from verbal reprimand to exclusion in extreme cases where behaviour breaks down.

There are 3 levels of exclusion:-

1. **Internal exclusion** takes place in the renew room, students are usually removed from class usually for 5 school periods for any one incident. . Students continue to access the curriculum suitable for their stage of learning in the renew room.
2. **External fixed term exclusion** for more serious breaches of discipline. Such exclusions are usually imposed for between 1 and 5 days depending on the seriousness of the breach. In rare instances this may be for a more extended period. Duration of exclusions: The headteacher may exclude a student for one or more fixed periods not exceeding a total of 45 days in any one school year. If a student is excluded from lunchtimes only, each lunchtime counts as a half day. After 5 days, the school must find alternative provision for a student on a fixed term exclusion. The headteacher may exclude a student permanently if he/she judges that the circumstances warrant it.

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3. **Permanent exclusion** which is a last resort sanction where all attempts to support the student to improve behaviour have failed. We will do everything possible to avoid the need for permanent exclusion by:-
- Carrying out early intervention strategies, especially in the case of a student with SEND to ascertain that the student is receiving appropriate provision and support.
 - We will consider the use of multi-agency assessment of students who demonstrate persistent disruptive behaviour.
 - We will check whether there are mental health or family problems.
 - We may request an early review of a student's Education, Health and Care (EHC) plan – or we may ask for an interim/emergency review.
- If nevertheless it becomes necessary to permanently exclude a student, the current DFE statutory guidelines and regulations will be stringently followed.

PRINCIPLES

Exclusion will be used in the following cases:-

- For a major first offence, such as serious actual or threatened violence, sexual abuse or assault, supplying banned substances or carrying an offensive weapon. We need not postpone taking a decision on exclusion solely because a police investigation is underway. Our decision will be taken on the evidence available to the school at the time. The headteacher will give particular consideration to the fairness of exclusion if he/she is aware that some evidence is being withheld by the police.
- Where allowing a student to remain in school would be seriously detrimental to the education of other students, to the welfare of other students, staff or of the student him/herself.
- More usually it follows a series of breaches of the school's disciplinary code and after an exhaustive range of strategies to resolve the student's disciplinary problems have been tried and have failed.
- When the behaviour of students outside school is such that it can be considered as grounds for exclusion.

The principles of our exclusion policy:

- Only the headteacher or acting headteacher can permanently exclude a student, and this will only ever be on disciplinary grounds.
- This power may not be delegated to anyone else.
- The headteacher may withdraw an exclusion that has not been reviewed by the governing body.
- The headteacher decision must be:
 - Lawful
 - Rational
 - Reasonable
 - Fair
 - Proportionate
- When establishing the facts in relation to a possible permanent exclusion, the headteacher will always apply the civil standard of proof, that is, on the balance of probabilities.
- We will take care to ensure that a decision to exclude does not involve any kind of discrimination as defined by the Equality Act 2010.

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- The school will always have due regard to its public sector equality duty.
- The school will be mindful of the prevent duty
- The school will not exclude any student for non-disciplinary reasons.
- Exclusion will never be used informally or unofficially. This is against the law.
- The headteacher does, however, have the right to direct a student for education off-site to improve behaviour, or to arrange a 'managed move' for the same reason. This will only be considered when there has been full consultation and agreement with parent/carers and the receiving institution. The threat of exclusion will never be used to influence parent/carers to remove their child from the school.
- Where practical, the headteacher will give the student an opportunity to present his/her case before taking the decision to permanently exclude.
- When considering permanent exclusion, the headteacher will take into account:
 - Possible short term mitigating circumstances, such as bereavement, mental health issues etc.
 - Where it comes to light that the student has been subject to bullying.
 - Whether the student comes into a category that is known to be a particularly vulnerable group (for example, students with SEND, FSM students; looked-after children; certain groups or a group with disproportionately high levels of exclusion; traveller children) and whether all preventative strategies have been fully used.
 - Whether a student has already had a number of fixed-term exclusions which appear to have been ineffective.

PRACTICE

Action following any exclusion:-

➤ Informing parent/carers

Following any exclusion of whatever type or duration, the school will:

- Inform parent/carers of the period and nature of the exclusion.
- Give the reasons for the exclusion.
- Advise parent/carers about rights of representation about the exclusion to the governing body and how these representations may be made.
- Take account of his/her legal duty of care when sending a student home following exclusion. 'Holding' arrangements until the student can be collected may be necessary.
- We will inform parent/carers what arrangements we have made to provide education for the student during the first five days of the exclusion. Work will be provided that is accessible and achievable by students outside of school.
- Make arrangements to provide suitable full time education from the sixth day onwards for students who have been given a fixed period exclusion lasting longer than five days. Once alternative provision has been arranged from the sixth day of the exclusion, the school will inform the parent/carers without delay of the start date, times and venue of the provision. This will be done no later than 48 hours before the alternative provision is to start. It is then the responsibility of the parent/carers to make sure the student attends the alternative provision.
- If the excluded student is in year 11 or 13 and has completed all public examinations, no alternative educational provision after six days is necessary.

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This information will be put in writing and will be sent either by email, by text, by delivering a letter directly to the parent/carers, leaving it at their last known address or by posting it to this address. The information can also legally be sent home with the excluded student, but in this case, we will always send a duplicate copy by a reliable alternative method. The information provided to parent/carers will be clear and free of unnecessary jargon. Consideration will be given to translating the letter if the parent/carer's first language is not English.

The school will explain to parent/carers in writing that they have the right of appeal to the governing body concerning:

- Fixed term exclusions of more than five school days in a term or if any exclusion will mean that the student misses a public examination or national curriculum test.
- Permanent exclusions.

If the governors agree with the exclusion then parent/carers can then appeal. The request will normally be made to the Clerk to the Governing Body and an Independent Review Panel will be put in place.

Parent/carers may make a claim to a court or tribunal if they believe the student has been discriminated against. The Equality Advisory Service will supply help and advice.

Where the excluded student is of compulsory school age, the school will also notify parent/carers without delay and by the end of the afternoon session that for the first five days of an exclusion they are legally required to ensure that their child is not in a public place during school hours without reasonable justification and that they may be given a fixed penalty notice if they fail to do so.

Parent/carers will be informed where fixed term exclusion has been extended or converted to a permanent exclusion. In such cases, the headteacher will write again to the parent/carers explaining the reasons for the change and providing any additional information required.

Informing other bodies

For any exclusion of more than five days, be it in a single block of days, an accumulation of short exclusions of more than five days in any one term, or a permanent exclusion, the headteacher will also:

- Notify the local authority (LA) giving the details of the exclusion and reasons for it.
- Notify the governing body giving the same details.
- For a permanent exclusion, if the student lives outside the LA in which the school is located, the headteacher must also inform the 'home authority' of the exclusion without delay.
- If any exclusion of even one day would cause a student to miss a public examination or national curriculum test, the headteacher will inform the LA and the governing body.

The headteacher will provide a report each meeting of the curriculum and standards committee of the governing body on all exclusions, covering:

- The number and type of exclusions.
- The reasons, gender, ethnicity and age of students and whether they were already on individual education programmes or pastoral support programmes.
- Repeated exclusions and the school's response to them.
- Truancy, punctuality and attendance figures.
- Follow-up action, including what has subsequently happened to permanently excluded students.

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In addition, within 14 days of a request, the school must report to the Education Secretary information about any exclusion within the last 12 months.

OTHER RELEVANT POLICIES

This policy should be read in conjunction with the procedures adopted by the governing body for the management of student exclusion. It should also be read in conjunction with the following policies:

- Teaching and learning
- SEND
- Equal opportunities
- Health and safety
- Behaviour For Learning
- Safeguarding and Child Protection
- Sex and relationships education
- Admissions

Appendix A: Temporary amendments to this policy until 24th March 2021

DFE guidance: **Changes to the school exclusion process during the coronavirus (COVID-19) outbreak**

Updated 29th June 2021

<https://www.gov.uk/government/publications/school-exclusion/changes-to-the-school-exclusion-process-during-the-coronavirus-outbreak>

Important dates

All permanent exclusions occurring between 25 September 2020 and 24 September 2021 (inclusive of those dates) are subject to amended arrangements with regards to:

- the use of remote access technology (for example, videoconferencing or telephone conferencing software) for meetings of governing boards or independent review panels
- the deadline for applications for an independent review

Governing boards and independent review panels (IRPs) who have a duty to meet to discuss a permanent exclusion that occurred between 25 September 2020 and 24 September 2021 may be eligible for time extensions in some circumstances.

Meetings relating to permanent exclusions occurring between 25 September 2020 and 24 September 2021 must take place within the normal timescales described in the [suspensions and permanent exclusions from maintained schools, academies and pupil referral units in England statutory guidance](#).

Governing boards and arranging authorities for IRPs should take all reasonable steps to meet the normal deadlines for suspensions and permanent exclusions occurring after 24 September 2020.

They should:

- consider the [actions for schools during the coronavirus \(COVID-19\) outbreak](#)
- facilitate remote access meetings where it is not reasonably practicable to meet in person

If the deadlines are missed because of coronavirus (COVID-19), the meeting must be held as soon as it becomes reasonably practicable to meet either in person or via remote access (respecting the conditions for such a meeting).

A permanent exclusion should be taken as having 'occurred' on the first day of the permanent exclusion.

Any permanent exclusion covered by these arrangements will continue to be subject to them until the procedures for scrutiny of the permanent exclusion have been exhausted.

Timescales for permanent exclusions between 25 September 2020 and 24 September 2021

Permanent exclusions between 25 September 2020 and 24 September 2021 (inclusive) should follow the deadlines in the [suspensions and permanent exclusions from maintained schools, academies and pupil referral units in England statutory guidance](#), other than the deadline for the application of an independent review.

If it is not reasonably practicable to meet by the usual deadline either in person because of coronavirus (COVID-19), or by remote access because of the conditions for a remote access meeting, the meeting must not be delayed any longer than is reasonably necessary because of coronavirus (COVID-19).

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Timescales for permanent exclusions between 1 June 2020 and 24 September 2020

Governing boards and IRPs who have a duty to meet to discuss a permanent exclusion that occurred between 1 June 2020 and 24 September 2020 may be eligible for time extensions.

Meetings relating to permanent exclusions occurring between 25 September 2020 and 24 September 2021 must take place within the normal timescales described in [suspensions and permanent exclusions from maintained schools, academies and pupil referral units in England](#). If the deadlines are missed because of coronavirus (COVID-19), the meeting must be held as soon as it is reasonably practicable to meet in person or via remote access (respecting the conditions for such a meeting).

Timescales for meetings of independent review panels to consider permanent exclusions

The timescale for the meeting will be extended to 25 school days, or as long as reasonably necessary for a reason related to coronavirus (COVID-19) if:

- the permanent exclusions occurred between 1 June 2020 and 24 September 2020
- it has not been reasonably practicable for a review panel to meet in person within the original time limit of 15 school days for reasons related to coronavirus (COVID-19)
- it has not been reasonably practicable to meet via remote access for a reason relating to the conditions for a remote access meeting

To minimise uncertainty for pupils and their families, the arranging authority should reassess at regular intervals whether it is reasonably practicable to meet. If it is, they should arrange this without delay.

Remote meetings

For permanent exclusions occurring between 25 September 2020 and 24 September 2021 (inclusive of those dates), meetings of governing boards or IRPs should 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 (COVID-19)
- the governing board, or arranging authority for IRPs, is satisfied that:
- all the participants agree to the use of remote access
- all the participants have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, if a live video link is used
- all the 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

The governing board, or arranging authority for IRPs, is responsible for ensuring that these conditions are met before a meeting takes place. Those who have no intention of taking part in the meeting should not be treated as 'participants' for the purposes of the conditions. When determining if it's practicable to meet in person, the governing board or arranging authority should assess:

- the facts of the case
- the circumstances in which a meeting in person could be expected to take place
- the needs of the intended participants, as far as this is possible
- the latest public health guidance, including the [actions for schools during the coronavirus \(COVID-19\) outbreak](#)

Arranging a remote access meeting

The governing board or arranging authority should explain the technology they propose to use to make sure that the participants, particularly pupils and their families, know that they do not have to agree to a meeting to be held via remote access.

They should make families aware that if they do not consent to a remote access meeting then the meeting is likely to be delayed.

Where a parent or pupil has given their agreement for a meeting to be held via remote access, the other participants should accommodate that preference except in exceptional circumstances.

Governing boards, arranging authorities and panel members must:

- comply with relevant equalities legislation
- recognise that some participants may find it difficult to participate in a remote access meeting, for example if they have a disability or if English is not their first language

The governing board or arranging authority should take reasonable steps to facilitate a parent, child or young person's access to the technology required.

If a governor, trustee, panel member or other participant requires support to access or use remote access technology, the governing board or arranging authority should facilitate this to ensure the meeting can be held promptly.

Fairness and transparency

The governing board or arranging authority must assess whether a meeting can be held fairly and transparently via remote access with reference to the facts of each case. It cannot be decided by following a general policy.

If a governing board or arranging authority is not satisfied that a meeting can be held fairly and transparently via remote access, they should consider using reasonable adjustments to overcome this. They should consult with parents and pupils to take account of their wishes. In rare cases, a governing board or arranging authority may conclude that a remote meeting would not be fair and transparent, even if the participants have given their consent for a remote access meeting. In such cases, the governing board or arranging authority should explain to the parent and the pupil why they have taken this decision.

Running the meeting

If a meeting is held via remote access, the chair must make every effort to check the participants understand the proceedings and can engage with them. This is to ensure the meeting is conducted fairly.

If, once the meeting starts, the meeting cannot proceed fairly, for example because a participant cannot access the meeting, the governing board or IRP should adjourn the meeting.

The use of remote access does not alter other procedural requirements that may apply to governing boards, arranging authorities or IRPs. For example:

- if a parent requests the appointment of a special educational needs (SEN) expert to advise a review panel, the arranging authority must appoint one and cover the cost as normal
- parents may be joined by a friend or representative, as normal

Though governing boards and IRPs must consider written representations if they are made, the law does not allow for solely paper-based 'meetings', conducted in writing.

As long as the conditions for a remote access meeting are met, it is possible for some participants to be present in person and for others to join the meeting via remote access. All

the participants must have access to technology which will allow them to hear and be heard by others throughout (and to see and be seen throughout, if a live video link is used).

To help meetings run smoothly and ensure they are accessible for participants:

- provide clear instructions about how to join the meeting virtually, and distribute the relevant papers in a timely manner ahead of the meeting
- indicate a named person who participants can contact with any questions they may have beforehand
- ensure the chair is prepared to explain the agenda at the start and to provide clear guidance on how the meeting will be run, for example:
- how participants should indicate they wish to speak
- how any 'chat' functions should be used
- whether there will be any breaks in proceedings
- how participants can access advocacy services during the meeting
- consider holding a pre-meeting with attendees to check that the available technology is suitable, and all participants understand how to access the meeting

Applications for an independent review

The deadline for applications for an independent review in relation to permanent exclusions occurring between 25 September 2020 and 24 September 2021 will be 25 school days from the date on which notice of the governing board's decision is given in writing to parents, or directly to the pupil if they are 18 or above.

Schools must wait for the extended period of 25 school days to pass without an application having been made before deleting the name of a permanently excluded pupil from their admissions register. This is in accordance with the Education (Pupil Registration) (England) Regulations 2006 as amended.

Meetings to consider permanent exclusions and suspensions resulting in the pupil missing more than 15 school days in a term

If a pupil is permanently excluded or suspended which results in them having been suspended for 16 or more school days in a term, the governing board should meet to discuss reinstatement within 15 school days.

The limit will be extended to 25 school days, or as long as reasonably necessary, if:

- the permanent exclusion or suspension occurred between 1 June 2020 and 24 September 2020
- it has not been reasonably practicable for the governing board to meet in person within 15 school days for reasons relating to coronavirus (COVID-19)
- it has not been reasonably practicable to meet via remote access for a reason relating to the conditions for a remote access meeting

Meetings to consider suspensions resulting in the pupil missing between 6 and 15 school days in a term

If a pupil is suspended which results in them having been suspended for at least 6 school days in a term but not more than 15 school days in that term, and the parent (or pupil, if aged 18 or above) chooses to make representations about the suspension, the governing board should meet to discuss reinstatement within 50 school days.

The limit will be extended to 60 days, or as long as reasonably necessary, if:

- the suspension occurred between 1 June 2020 and 24 September 2020
- it has not been reasonably practicable for the governing board to meet in person within 50 school days for reasons relating to coronavirus (COVID-19)

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- it has not been reasonably practicable to meet via remote access for a reason relating to the conditions for a remote access meeting

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