



Exclusion of Students Protocol

Newent Community School and Sixth Form Centre has the highest concern for the safety and wellbeing of the whole school community, and we work hard to ensure that our ethos and environment supports student learning and success. Suspension and exclusion are sanctions used only as a last resort, and we aim to reduce the need for the use of it as far as is possible. This policy outlines the school's use of suspensions and exclusions and is supported by, and should be read in conjunction with, our school Behaviour Policy which is available on the school's website [here](#).

1 Power to suspend and exclude

The Principal is the only member of staff within the school who can permanently exclude a student. The responsibility for suspension has been delegated by the Principal to the Vice Principal Inclusion. In the absence of the Principal, the acting Principal can make this decision.

The Trustees' Board can review the Principal's decision and consider representations from parents of excluded students. They may direct the reinstatement of an excluded student, or uphold an exclusion after a review, but they cannot exclude a student themselves. For more information on the Trustees' Board's role in exclusions, see section 5.

In making decisions on exclusions, the Principal and Trustees' Board must have regard to the statutory guidance issued by the Department for Education on suspensions and exclusions.

2 Grounds for exclusion

Any exclusion, whether fixed term or permanent, will flow from a breach or breaches of the behaviour policy. In accordance with DfE guidance on suspensions and exclusions, a permanent exclusion may only be imposed in response to a serious breach or persistent breaches of the behaviour policy and where allowing the student to remain in school would seriously harm the education and/or welfare of the student or others in the school community.

In line with the school's behaviour policy, the following actions are examples of unacceptable behaviour which may result in permanent or fixed-term exclusions:

- Repeated breaches of the school rules
- Persistent undermining of Newent School's values, standards and expectations
- Verbal abuse against a member of staff, student or visitor
- Physical assault against a member of staff, student, or visitor
- Any form of bullying or intimidation of students of staff
- Sexual violence, such as rape, assault by penetration, or sexual assault (intentional sexual touching without consent)
- Sexual harassment, meaning unwanted conduct of a sexual nature, such as:
 - Sexual comments
 - Sexual jokes or taunting
 - Physical behaviour like interfering with clothes
 - Online sexual harassment, such as unwanted sexual comments and messages (including on social media), sharing of nude or semi-nude images and/or videos, or sharing of unwanted explicit content
- Vandalism
- Arson
- Theft
- Fighting
- Smoking



- Racist, sexist, homophobic or discriminatory behaviour
- Possession of any prohibited items. These are:
 - Knives or weapons
 - Alcohol
 - Illegal drugs
 - Stolen items
 - Tobacco and cigarette papers
 - E-cigarettes and vapes
 - Fireworks
 - Pornographic images
 - Any article a staff member reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the student)

3 Types of exclusion

Permanent exclusion

Permanent exclusion is an extremely serious sanction, and a step taken by the school only as a last resort. In most cases, permanent exclusion will be used only after various alternative strategies have been tried to improve behaviour but have been unsuccessful. There are, however, some situations in which permanent exclusion on the first offence is the only option. These may include:

- serious, actual or threatened violence against another student or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon
- arson

The list is not exhaustive but provides an indication of the severity of the offence which may lead to permanent exclusion.

It may be necessary for the school to involve the police if the offence warrants it. All permanent exclusions will be reviewed by the Trustees' Board to ensure that the Principal's decision was lawful, reasonable and fair. The Principal can withdraw an exclusion that has not yet been reviewed by the Trustees' Board.

Suspension

The length of a suspension will be set out by the school at the start of the exclusion period. If a student is suspended for more than 45 days in one school year, they will be permanently excluded.

A suspension may result from a serious breach or persistent breaches of the school's behaviour policy. It may be a first offence or persistent disruptive behaviour that requires a tougher sanction than other sanctions available to the school under the behaviour policy, but does not warrant permanent exclusion.

A permanent exclusion may follow on from a suspension by the Principal if the circumstances warrant it. This will generally be in cases where further evidence comes to light during the school's investigation. In this case, parents or carers will be notified in writing of the decision to permanently exclude the student, together with the reasons for doing so. During suspensions and permanent exclusions, daytime supervision of the child is the responsibility of their parent or guardian for the first 5 days of the exclusion period.



An excluded student has no automatic right to take a public examination or National Curriculum tests on the school's premises. The Trustees' Board can decide whether or not to allow the student to sit the tests, and this will depend on the seriousness of the reason for exclusion.

Lunchtime suspension

This is a type of suspension and will not be used as a long-term solution to a behaviour problem. A lunchtime suspension counts as half a day when calculating total number of days of exclusion.

The school may decide to suspend a student from the school premises during the break at lunchtime if their behaviour during this time is very disruptive or dangerous to other students and breaches the behaviour policy. Arrangements will be made for parents or carers to collect the suspended student and supervise them if their age or vulnerability warrants it. The school will not normally invoke a lunchtime suspension for any period longer than a week. If the problem persists, alternative strategies will be looked at to deal with managing the student's behaviour.

Students who are entitled to free school meals will still be given this provision over their period of lunchtime exclusion.

4 Making the decision to exclude

Exclusion and suspension, for any period of time, is taken very seriously by the school, and the decision to exclude or suspend is not taken lightly. Various alternative strategies to manage behaviour will usually be tried before suspension or exclusion, as this sanction is only used as a last resort unless the behaviour exhibited equates to a serious breach of the behaviour policy.

The school will give particular consideration to the fair treatment of students from groups who are vulnerable to suspension or exclusion. The school will review the support provided to address the needs of these students and consider whether extra support could be put in place to reduce their risk of suspension or exclusion, prior to taking a decision to suspend or exclude.

If it is decided that suspension or exclusion is necessary, the parents or carers of the student will be notified, and the circumstances surrounding the exclusion will be formally recorded.

Alternative behaviour management strategies

Inclusion

If a student needs to be removed from a lesson that is in progress, or a social situation, for disruptive behaviour or to calm down, it may be necessary to place that student elsewhere in the school. This may occur over break times and will be used in circumstances where it is not necessary to remove the student from the school site, but separation is needed. They will be placed in another class or somewhere where appropriate support and supervision can be provided.

Mediation

If there is a conflict between two or more students, a member of staff will sit down with those involved and attempt to mediate the situation through discussion. This strategy may also be used if there is a conflict between a teacher and a student.

Restorative justice

This strategy is dependent on the cooperation of all parties involved in an incident or situation, and will usually be used where one person has done something to upset or harm another. It can be helpful for the



offender to redress the harm that they have done and hopefully learn from their mistakes. It can also provide closure for those who have been harmed.

Direction off-site

Before taking any decision to permanently exclude a student, the Principal will consider whether a direction to attend alternative provision as a short-term measure and part of a planned intervention would be a reasonable alternative that should be considered. The aim of any direction for off-site education is to improve a student's behaviour where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate. While parental consent is not needed, discussions would take place with parents to feed in their views about the options.

Managed move

It may be in the best interests of a student to have a chance of a fresh start by moving to another school. This will only occur in consent with parents, the LA (where applicable)¹, the Principal, and the school's Trustees' Board. The new school will be asked by the Principal to accept the student.

Parents will not be put under any pressure to agree to a managed move, especially in fear of a permanent exclusion, and the school will do everything it can to ensure that the transition is as smooth as possible.

If a managed move is agreed, a plan will be put in place, which sets out the duration of the managed move (typically between 6-12 weeks) and what support will be put in place for the student. The student will be dual registered during the period of the managed move. If the managed move is successful, the student will come off the roll of the school and remain on the roll of the new school. If the managed move is not successful the student will return to the school.

Looked-after children and young people

Newent Community School understands that looked-after children and young people may be more susceptible to having behavioural problems due to additional problems they may face at home. We work in conjunction with all relevant childcare authorities to support looked-after children and try every possible means of keeping them in school. Before any decision to suspend or exclude is made, the school will (as appropriate):

- consult the LA and the virtual school head about alternative options to support a looked-after student
- consult the LA and the virtual school head about what alternative provision will be available if the student is suspended or excluded
- involve the child's social worker as early as possible to help the school avoid suspension or exclusion
- work with the foster carer to improve the student's behaviour.

Students with special educational needs or a disability (SEND)

Students with SEN

Our school's full SEN provision is outlined in our special educational needs policy and the SEN Information Report. We work hard to include students who have behavioural difficulties or difficulties with elements of social interaction as part of their SEN. The school will try every practical alternative to suspension or exclusion, but there may be some cases where it cannot be avoided.

If a permanent exclusion is made, the Principal will use the time between the initial decision and the Trustees' Board's review to see whether a change of circumstances might enable the school to withdraw the exclusion. It may be the case that more support is needed for the student, or that it is in the child's best interest that



their EHC Plan be changed to name a different school, in which case the school will work with the LA and the child's parents or carers to make the transition as smooth as possible.

Students with a disability

If a student with a disability is under consideration for suspension or exclusion, the Principal will ensure that all other possible options have been tried. To justify suspending or excluding a student with a disability for a reason related to their disability, there must be material and substantial reason. The erosion of order and discipline in the school may be material and substantial justification, but only if reasonable adjustments have been made for the student's disability. You can find more information on reasonable adjustments in our school accessibility plan and our Equality Policy.

Ethnicity

Newent Community School does not discriminate against any person and our school ethos is one of inclusion, equality, and diversity. If any person feels that they have been discriminated against due to their ethnicity they may make a formal complaint to the school following the process outlined in our school complaints procedure. Where the issue arises in relation to an exclusion, the school will deal with any concerns raised by parents through the consideration of parental representations within the exclusion framework.

Investigating the circumstances

Disruptive behaviour or actions that may warrant discipline will always be investigated before the decision to suspend or exclude is made.

Before the decision to suspend or exclude is made, the Principal will:

- ensure that the school has undertaken a thorough investigation
- consider all the evidence available
- take the student's views into account, considering these in light of their age and understanding, and inform the student about how their views have been factored into any decision made take into account the school's behaviour policy and all other relevant school policies including the single equality plan
- find out whether the behaviour may have been provoked, for example in the case of racial or sexual harassment, or bullying
- consult other people as necessary (but not anyone on the Trustees' Board or management committee who may later have a role in reviewing the decision)
- keep a written record of discussions, interviews and actions, and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed if possible.

Confidentiality

The school will deal with all cases of suspension or exclusion and the surrounding circumstances confidentially. Information will be shared only with those who need to know it, and a breach of this may result in disciplinary action.

Recording and notifying the decision to exclude

All suspensions and exclusions will be formally recorded and the Principal will contact the parents or carers of the student immediately once the decision has been made to suspend or exclude, specifying why this action has been taken and the length of time that it will last. If the student is over 18, they will be notified directly. The decision will be confirmed in writing. The Principal will notify the Trustees' Board, LA and where applicable, the social worker and virtual school head without delay of the decision to suspend or exclude being made.



5 Reviewing a suspension or exclusion

The Trustees' Board will review suspensions of any length on request by parents who feel that the sanction is unjustified. A meeting will not always be required. They will automatically review all cases of permanent exclusion, as well as any suspensions that would lead to a student being excluded for more than 15 days of a school term or missing a public exam. The Trustees' Board will look at the evidence and the records leading up to the suspension or exclusion and decide whether, in light of the evidence and his/her legal duties, the Principal has made a lawful, reasonable and fair decision.

The review hearing will be minuted by the clerk.

Parents who want a review of a suspension can contact the Trustees' Board. Subject to the type and length of the suspension or exclusion imposed by the Principal, parents will be invited to a review meeting and are entitled to bring a friend or legal representative with them. Parents will be asked to provide the Trustees' Board with any written statements or evidence that they might have relating to the suspension prior to the review meeting so that these can be circulated. There will be an opportunity during the meeting for parents to ask questions of the other parties.

The student concerned is encouraged to attend if they are able to fully understand the proceedings. Newent Community School and Sixth Form Centre believes that students should be encouraged to take part in the review process and feel that they are listened to. This will hopefully increase the chance of a positive behaviour pattern emerging in the future.

For all Trustee enquiries, please contact the Clerk: E-mail: clerk@newent.gloucs.sch.uk

Telephone: 01531 828923

Notification of the Trustees' Board decision

Parents will be notified of the outcome of the Trustees' Board review meeting in writing. This letter will also outline how parents can request a review by the independent review panel if they are unhappy with the outcome of the Trustees' Board's review. The outcome of the Trustees' Board meeting will be one of the following.

· Upholding the suspension or exclusion

If the Trustees' Board finds that the suspension or exclusion decision was lawful, reasonable and fair, they will uphold the decision to suspend or exclude. In this case, a letter will be sent to the parent or carer of the child outlining the decision and the reason for the decision. In respect of a permanent exclusion the letter will include:

- the parent's right to request an independent review panel
- the name and contact details of the person to whom to send the request
- the date by which the request and reasons for it should be given
- that the notice of appeal must set out the reasons for the request
- the right to a SEN expert to attend the independent review panel
- the right to have a representative at the independent review panel at the parents' own expense
- that allegations of disability discrimination may also be pursued to the First Tier Tribunal (SEND Tribunal)
- that a claim to the county court can be made for other forms of discrimination.

· Reinstating the student

If the Trustees' Board decides that the decision to suspend or exclude was not lawful, reasonable or fair in light of the evidence and the duties of the Principal, the Trustees' Board must reinstate the student immediately or by a given date. If the latter option is chosen support will be given to ensure that the



student is easily reintegrated into the school. This will include a reintegration interview with the Principal and parent or carer on school grounds, during which a pastoral support plan will be drawn up.

A copy of the letter detailing the outcome will be put in the student's academic records along with any relevant papers. The Trustees' Board may also decide to arrange for an educational provision offsite to improve the child's behaviour, such as an anger management course.

6 During a suspension or exclusion

Although the Principal has made the decision to suspend or exclude a student, we maintain responsibility for the education of that child and will do everything that we can to minimise the disruption to their education.

For the first five days of the suspension or exclusion, the school will set and mark work that the child should complete at home under parental supervision.

From the sixth day onwards, in respect of suspensions, the school will arrange for alternative full-time educational provision. In respect of permanent exclusion, the LA will arrange for this provision having assessed the child's needs. Alternative provision might be arranged at:

- another school in the area
- a shared joint facility
- a student referral unit
- a private provider
- a local FE college.

If the child has an EHC Plan, the alternative provision will meet those needs.

7 Reintegration following a suspension or exclusion

Where a student returns to school following a suspension or direction for education off-site, they and their parents will be invited to a reintegration strategy meeting. The purpose of the meeting is to avoid further suspensions by:

- offering the student a fresh start,
- helping them understand the impact of their behaviour on themselves and others
- teaching them to how meet the high expectations of behaviour in line with the school culture
- fostering a renewed sense of belonging within the school community; and
- building engagement with learning

8 Monitoring arrangements

The Trustees' Board review data on suspensions and exclusions to ensure that the use of suspensions and exclusions is appropriate and is in accordance with the statutory guidance on suspensions and exclusions. The Trustees' Board will consider:

- the effectiveness and consistency in implementing the school's behaviour policy
- the school register and absence codes
- instances where students receive repeat suspensions
- any variations in the rolling average of permanent exclusions to understand why this is happening, and to ensure they are only used when necessary
- timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- the characteristics of excluded students, and why this is taking place



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- whether the placements of students directed off-site into AP are reviewed at sufficient intervals to assure that the education is achieving its objectives and that students are benefiting from it.

Monitoring and Review

The Senior Leadership Team shall review this protocol from time to time to ensure that it meets legal requirements and reflects best practice.

If Staff have any questions about this protocol or suggestions for additions that they would like to be considered on review, they may do so by emailing the Principal or Business Manager.

The School will continue to review the effectiveness of this Protocol to ensure it is achieving its stated objectives.