



### **6.3a Pupils Exclusion Policy** Including Early Years Foundation Stage

#### **Introduction**

Durlston Court is committed to valuing diversity and to equality of opportunity. We aim to create and promote an environment in which pupils, parents and staff are treated fairly and with respect, and feel able to contribute to the best of their abilities. This policy is applicable to pupils including those in the EYFS.

The School recognises that it is unlawful to take into account anyone's gender, marital status, colour, race, nationality, ethnic or national origin, disability, religious beliefs, age, or sexual orientation. Full consideration has been given to this during the formulation of the above policy as it is our aim that no-one at Durlston Court should suffer discrimination, either directly or indirectly, or harassment on any of these grounds.

#### **Aims**

We aim to include, not exclude, and we approach all challenging behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can go through times of inappropriate behaviour, and we strive to never "give up" easily on a child as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this.

A decision to exclude a pupil, either for a fixed period or permanently is seen as a last resort by the school. The physical and emotional health of our children and staff is our primary concern, and we therefore accept, that in some rare situations, exclusion may be necessary, if all other strategies have been exhausted.

The school is responsible for communicating to pupils, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct.

These include:

- Policy 6.3: Behaviour Policy
- Policy 6.1: Anti-Bullying Policy.

No exclusion will be initiated without first exhausting other strategies or, in the case of a serious single incident, a thorough investigation.

Reasons for exclusion:

- Serious breach of the school's rules or policies
- Risk of harm to the education or welfare of the child or others in the school.

Any exclusion will be at the decision of the Headmaster, in consultation with the Chairman of Governors.

A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year) or permanently excluded.

A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision to exclude or suspend must be reasonable, fair and proportionate.

When establishing facts in relation to a suspension or exclusion, the civil standard of proof must be applied, i.e. on the balance of probabilities.

We can choose to work with Alternative provision if we feel it is an appropriate response.

### **Temporary Exclusion**

Temporary exclusion may be used in response to a serious breach of school rules and policies. In such cases the Headmaster will investigate the incident thoroughly and consider all evidence to support the allegation, taking account of the school's policies. The pupil will be encouraged to give his/her version of events and the Headmaster will check whether the incident may have been provoked, for example by bullying or racial harassment.

It is important that pupils still receive their education if suspended. Work must be set and marked for the pupils for, at least, the first five days.

A suspension can be for parts of the school day, e.g. at lunchtimes.

### **Permanent Exclusion**

A permanent exclusion is a very serious decision and the Headmaster will consult with the Deputy Headteacher and the Chairman of Governors before enforcing it.

As with a temporary exclusion, it will follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of school rules and policies such as:

- Serious actual or threatened violence against another pupil or a member of staff
- Possession or use of an illegal drug on school premises
- Use or threat of use of an offensive weapon or prohibited item that has been prohibited by the school's behaviour policy
- Persistent bullying
- Persistent racial harassment.
- Abuse against sexual orientation or gender reassignment
- abuse relating to disability
  - Please note that this list is not exhaustive but acts as a guide for standard required when considering expulsion.

OR

where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

### **The Decision to Exclude**

If the Headmaster decides to exclude a child, he will:

- Ensure that there is sufficient recorded evidence to support the decision

- explain the decision to the child
- contact the parents, explain the decision and ask that the child be collected
- send a letter to the parents confirming the reasons for the exclusion, whether it is a permanent or temporary exclusion, and will follow guidance from the Suspension and Permanent Exclusion Guide (Sep 2022)
  - Any exclusion of a pupil will be formally recorded
  - If a child returns to school after a temporary exclusion or suspension, then we will support the reintegration of the pupil into school life by devising a reintegration strategy that would suit the child and his or her particular circumstances. A strategy may include elements such as a report card, planned pastoral interventions, regular reviews with parents and pupil concerned.

## **Duties under the Equality Act 2010 and Children and Families Act 2014**

Under the Equality Act 2010 (the Equality Act) and the [Equality Act 2010: advice for schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk), schools must not discriminate against, harass, or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to any provision, criterion or practice which puts them at a substantial disadvantage, and the provision of auxiliary aids and services. In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and

- foster good relations between people who share a relevant protected characteristic and people who do not share it.

The 'relevant protected characteristics' in this context are the characteristics mentioned above. Age is also a relevant protected characteristic, but not when carrying out a function which provides education, benefits, facilities, or services to pupils.

These duties need to be complied with when deciding whether to exclude a pupil. Schools must also ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a pupil with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory.

The governing board must also comply with their statutory duties in relation to pupils with Special Educational Need (SEN) when administering the exclusion process, including (in the case of the governing board of relevant settings<sup>8</sup>) using their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN and (for all settings) having regard to the Special Educational Need and Disability (SEND) Code of Practice.<sup>9</sup>

### **Safe Guarding**

An exclusion will not be enforced if doing so may put the safety of the child at risk. In cases where parents will not comply by, for example, refusing to collect the child, the child's welfare is the priority. In this situation, depending on the reason for exclusion, the school may consider an internal exclusion until the end of the day.

### **Behaviour Outside School**

The child's behaviour outside school on school business e.g. on school trips, at sports fixtures, is subject to the school's behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school.

### **Procedure for Appeal**

If parents wish to appeal the decision to exclude, the matter will be referred to the Governing Body.

*Updated March 2023 with reference to **Suspension and Permanent Exclusion Guide DfE, Sep 2022***

*Reviewed by the Board of Governors: November 2020*

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