



THOMSON HOUSE SCHOOL

Thomson House School

Exclusion Policy

Agreed by: Governor's Education Committee

Date: October 2023

Review Cycle: Annual

Next Review Date: October 2024

All the Thomson House School policies should be read in conjunction with the Behaviour Policy, Equality Policy and the Child Protection Policy.

If you require a copy of this document in large print, Braille or audio format, please contact the School Business Manager

Rationale

This document deals with the policy and practice which informs the School's use of suspension and exclusion. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

- The first is to ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed;
- The second is to realise the aim of reducing the need to use exclusion as a sanction.

Legal Framework

The principal legislation to which this policy relates is:

- the Education Act 2002, as amended by the Education Act 2011;
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- the Education and Inspections Act 2006;
- the Education Act 1996; and
- the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014.

Introduction

Thomson House School does not wish to exclude any child from the school. However, the school recognises that sometimes this may be necessary. Thomson House School uses the Department for Education's statutory guidance '[Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(updated 2022\)](#)' and the statutory guidance on [Behaviour in schools: advice for headteachers and school staff \(2022\)](#).

For further details about any of the processes listed below, please see:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1181584/Suspension_and_permanent_exclusion_guidance_september_23.pdf

Behavioural Expectations, rewards and sanctions are outlined in the THS Behaviour Policy. Should a child's behaviour not respond to positive reinforcement or a sanction as given in the Behaviour Policy, an in-school suspension or exclusion may be issued.

The decision to suspend or exclude a pupil will be taken by the Head Teacher.

Head Teachers can use suspension, fixed term exclusion and permanent exclusion as a sanction when warranted as part of creating calm, safe, and supportive environments where both pupils and staff can work in safety and are respected. To achieve this, suspension, fixed term exclusion and permanent exclusion are sometimes a necessary part of a functioning system, where it is accepted that not all pupil behaviour can be amended or remedied by pastoral processes, or consequences within the school.

The following circumstances will give rise to consideration of suspension or exclusion:-

- a serious breach of the Thomson House Behavioural Expectations
- If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others (including adults) in the school.

Examples of a serious breach of behavior **may** include:

- Verbal abuse to staff and others / Verbal abuse to pupils
- Indecent behaviour
- Physical abuse to/attack on staff/ pupils (e.g fighting, causing harm)
- Damage to property
- Misuse of illegal drugs or other substances
- Theft
- Threatened violence against another pupil or a member of staff
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour.

The Head Teacher's Powers

The Head Teacher will suspend or exclude a pupil on disciplinary grounds. 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 also be considered grounds for a suspension, fixed term exclusion or permanent exclusion.

Any decision of a headteacher relating to suspension, fixed term exclusion or permanent exclusion, will be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.

When establishing the facts in relation to a suspension, fixed term exclusion or permanent exclusion decision the Head Teacher will 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 will accept that something happened if it is more likely that it happened than that it did not happen. The Head Teacher will also take account of their legal duty of care when sending a pupil home following an exclusion.

The Head Teacher will take the pupil's views into account, considering their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. The Head will inform the pupil

about how their views have been factored into the decision made. Where relevant, the pupil will be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker. Whilst an exclusion may still be an appropriate sanction, the Head Teacher will also take account of any contributing factors identified after an incident of misbehaviour has occurred.

The Governors' Disciplinary Committee

The Governing Board's Disciplinary Committee will be kept informed of the decision-making processes of the Head Teacher in relation to any suspensions or exclusions.

The Governing Body Discipline Committee will meet and review all permanent exclusions from the School and all fixed term exclusions that would lead to a pupil being excluded for over 15 days in a school term or missing a public examination.

Suspensions

A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period.

A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of fixed term or permanent exclusion.

Where suspensions are becoming a regular occurrence for a pupil, the Head Teacher will consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.

If a child is suspended, they will still receive an education. The Head Teacher will ensure that work is set and marked for pupils during the first five school days of a suspension.

The school's legal duties to pupils with disabilities or SEN remain in force - to make reasonable adjustments in how the school supports disabled pupils during this period.

In School Suspension

An in-school suspension will involve a child working in a class other than their own. Work is provided by their class teacher and the child will usually work in a reciprocal class for a period of half a day / one full day.

Partial suspension (exclusion)

A suspension can be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The Head Teacher will notify parents in writing.

Longer Fixed Term Exclusions

A pupil may be suspended (excluded) for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded. Most fixed term exclusions are of short duration (usually between one and three days).

Before deciding whether to exclude a pupil either permanently or for a fixed period the Head Teacher will:

- Ensure appropriate investigations have been carried out to establish the facts of the incident.
- Consider all the evidence available to support the allegations taking into account the Behaviour Policy, Equality Policy, Child Protection Policy, SEND Code of Practice
- Allow the pupil to give her/his version of events
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.
- Take account of their legal duty of care when sending a pupil home following an exclusion.

Parents will be notified in writing, by the Head Teacher, giving the date the exclusion starts and ends. Parents will be advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility as parents/guardians. Parents have a right to make representations to the Governing Body and the LA as directed in the Head Teacher's letter/email.

Returning To School After the Fixed Term Exclusion

A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Management Team, other staff where appropriate, parents and the child (if age appropriate). A Pastoral Support Plan will be drawn up, as agreed with the school, pupil and parents.

Permanent Exclusions

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated).

The decision to exclude a pupil permanently will only be taken:

1. In response to a serious breach or persistent breaches of the school's behaviour policy; and following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying) or repeated possession and/or use of an illegal substances on school premises.
2. Where there are exceptional circumstances, and it is not appropriate to implement other strategies first. These might include:
 - Serious actual violence against another pupil or a member of staff
 - Sexual abuse or assault
 - Supplying an illegal substance

- Carrying an Offensive Weapon (Offensive weapons are defined in the Prevention of Crime Act 1993 as “any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him”)
- Arson

The school will consider police involvement for any of the above offences. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the school.

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the pupil concerned.

Parents will be notified in writing, by the Head Teacher. Parents will be advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility as parents/guardians. Parents have a right to make representations to the Governing Body and the LA as directed in the Head Teacher’s letter/email.

Sustaining Education During A Permanent Exclusion

The Head Teacher will take reasonable steps to ensure that work is set and marked for the pupil during the first five school days when the pupil will not be attending alternative provision.

Any appropriate referrals to support services or notifying key workers (such as a pupil’s social worker) will be made.

Managed Moves

A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently.

Managed moves will be offered as part of a planned intervention.

Managed moves from THS are voluntary and agreed with all parties involved, including the parents, the child, the Governors and the admission authority of the new school.

If a temporary move needs to occur to improve a pupil’s behaviour, then offsite direction could be used. Managed moves should only occur when it is in the pupil’s best interests.

Cancelling Exclusions

The headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated.

Where an exclusion is cancelled:

- The Head Teacher will notify the parents, the governing board, the LA and the pupil's social worker and VSH as applicable, without delay. The notification must also provide the reason for the cancellation;
- Parents (or the excluded pupil if they are 18 years or older) will be offered the opportunity to meet the Head Teacher to discuss the circumstances that led to the exclusion being cancelled which will be arranged without delay;
- The pupil will be allowed back into the school from which they were excluded without delay.
- Any days spent out of school because of an exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school year.

Pupils with Special Educational Needs

Thomson House School will engage proactively with parents in supporting the behaviour of pupils with additional needs.

If there are concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan, Thomson House School will consider what additional support or alternative placement may be required. This will involve assessing the suitability of provision for a pupil's SEN or disability.

If a pupil has an EHC plan, Thomson House School will contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude.

For those with SEN but without an EHC plan, the school will review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may provide a point for schools to request an EHC assessment or a review of the pupil's current package of support.

Discipline and physical contact

At Thomson House School teachers will not punish pupils physically but can physically restrain them where it's necessary to stop a pupil injuring him or herself or someone else, damaging property or causing serious disruption.

Teachers are trained to de-escalate, defuse and divert first in order to manage more serious misbehaviour. However, we accept that in exceptional circumstances, physical intervention may be necessary. Thomson House School will use the Department for Education's guidance [Use of Reasonable Force – advice for school leaders, staff and governing bodies](#).

If a pupil is deemed at risk of challenging behaviour, the staff supporting that child will have training in identifying behavioural triggers; the use of effective strategies to divert, defuse and de-escalate; understanding strategies to be avoided and be aware of preferred physical interventions.

Physical Intervention refers to the actions by which one person restricts the movements of another. It implies the restrictions of a person's movement which is maintained against their will. Intrusive forms of

physical intervention, which are used as a response to violence, can be potentially harmful. Within this context, terms such as control, restraint, physical restraint, force or handling, are all considered as physical intervention. It is important to note that not all physical intervention involves physical contact; for example, locking a pupil in a room or using physical presence to restrict a pupil's freedom of movement is also considered physical intervention.

Staff are trained to support the management of physical intervention and no member of staff will be asked to operate physical intervention on a child without being trained.

Physical intervention, when used, will be:

- in the best interest of the child
- reasonable and proportionate
- intended to reduce risk
- the least intrusive and restrictive of those options available which are likely to be effective

Any incident of physical intervention is distressing for the pupil and the member of staff. Following an incident, the intervention will be recorded on CPOMs within 24 hours and any medical support necessary will be offered to all parties. Parents will be informed immediately following the incident. Well-being support will be offered to both the pupil and staff concerned.

Review

The Governing Body (Education Committee) will review this policy annually and update, modify or amend it, in conjunction with the Head Teacher and as it considers necessary to ensure the policy meets the needs of Thomson House School.

Date of Policy: October 2023

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