

# **Exclusions Protocol**

## **Exclusions Protocol Tavistock College October 2013 (Based on DfE Statutory Guidelines on School Exclusions Sept 2012)**

Tavistock College is an inclusive school. We seek to ensure that students remain in school to learn and to achieve their very best. The school has a wide range of strategies in place to prevent exclusion as we recognise that it should only be a last resort when all else has failed or normal school sanctions are not appropriate.

### **The decision to exclude:**

#### **1. Permanent Exclusion**

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

- in response to serious breaches of the school's behaviour policy; and
- if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school

The decision to exclude a pupil must be lawful, reasonable and fair. We have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. We will give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

Disruptive behaviour can be an indication of unmet needs. Where we have concerns about a pupil's behaviour we will try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation we will give consideration to a multi-agency assessment that goes beyond the pupil's educational needs. It is an acknowledgement by us that we have exhausted all available strategies for dealing with the child and permanent exclusion is used as a last resort.

There will, however, be exceptional circumstances where, in the head teacher's/teacher in charge's judgment, it is appropriate to permanently exclude a child for a first or 'one off' offence. These might include:

1. serious actual or threatened violence against another pupil or a member of staff
2. sexual abuse or assault
3. supplying an illegal drug; or
4. carrying an offensive weapon

#### **2. Fixed Term Exclusion**

A decision to exclude a pupil for a fixed period should also be lawful, reasonable and fair and only in response to breaches of the school's behaviour policy, including

persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions such as detention are considered inappropriate.

1. When considering the decision to exclude a pupil, the head teacher / teacher in charge will:
2. carry out a full and thorough investigation;
3. consider all evidence and ensure that equality is promoted at all times in relation to SEN, race, gender and disability; Under the Equality Act 2010 (“the Equality Act”) schools must not discriminate against, harass or victimise pupils because of their: sex; race; disability; religion or belief; sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices.
4. ensure that the pupil has given their version of events;
5. investigate whether the incident may have been provoked by something e.g. bullying, racial or sexual harassment;
6. keep a written record of all actions taken, any interviews with pupils concerned, any staff statements (witness statements should be dated and signed, ideally on school witness documentation (R1))

### **3. Proof**

The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the pupil did what he or she is alleged to have done, the head teacher/teacher in charge may exclude the pupil. However, the more serious the allegation and thus the possible sanction, the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring the criminal standard of ‘beyond reasonable doubt’ to be applied. But it does mean that when investigating more serious allegations, in determining whether it is more probable than not that the pupil has behaved as alleged, head teachers/teachers in charge will need to gather and take account of a wider range of evidence. In some cases this may extend to evidence of the pupil’s past behaviour, if relevant to the seriousness of the present allegation.

### **4. Procedures following a fixed period exclusion**

Following the 6th day of exclusion Tavistock College must arrange suitable full-time educational provision. During the exclusion the school must set work for the pupil to complete and arrange for it to be marked. The school must also consider what support will best help the child’s reintegration into school.

### **5. Tavistock College Possible Exclusion Categories**

- persistent and defiant misbehaviour
- repeated verbal abuse directed at staff, students or visitors
- dangerous and out of control behaviour
- threats of or actual physical harm to a student or member of staff
- bullying

- racism
- repeated incidents which undermines the good order and ethos of the school