TALBOT HEATH SCHOOL *"Honour Before Honours"*

EXCLUSION POLICY AND PROCEDURE

Date adopted: 3 November 2026

Date for next adoption: Autumn Term 2028

Reviewed by: FGB

As a school, we will make reasonable adjustments to this policy, in line with the SEND Code of Practice (2014) and the Equality Act (2010), for students with SEND.

Most behaviour issues can be dealt with under the Behaviour and Discipline Policy but, if unacceptable behaviour persists, or where a serious breach of the policy has occurred and allowing the pupil to remain in school would harm the education or welfare of others, a pupil may be excluded in line with this Exclusion Policy and Procedure.

A pupil may be excluded on a temporary (fixed term) or permanent basis. For more than two fixed term exclusions or where further evidence has come to light, a fixed term exclusion may be extended or converted to a permanent exclusion.

Any exclusion, whether fixed term or permanent, will result from a serious breach or breaches of the school's Behaviour and Discipline Policy. The behaviour of a pupil outside of school can be considered as grounds for exclusion.
Only the Headteacher may take the decision to exclude a pupil and, in line with statutory guidance, the decision to exclude will be taken on a balance of probabilities, in line with the principles of administrative law i.e. that it is lawful (being mindful of the European Convention of Human Rights and the Equality Act 2010), rational, reasonable, fair and proportionate. In the absence of the Headteacher, the power and authority to exclude a pupil may be delegated to the Head of Junior School or Deputy Headteacher if the decision cannot wait until the Headteacher's return. Normally exclusion would only be used when all other sanctions have failed e.g. Restorative justice, mediation and internal exclusion.

The following are examples of unacceptable behaviour which may result in exclusion sanctions being used:

- Bullying of any kind.
- Smoking or Vaping: whether on the school campus, while involved in an activity organised by the school or while wearing school uniform outside the school campus.
- Drinking alcohol: whether on the school campus, while involved in an activity organised by the school, or while wearing school uniform outside the school campus.
- Being in possession of, taking or supplying illegal substances: whether on the school campus, or involved in an activity organised by the school, or while wearing school uniform outside the school campus (always permanent exclusion).
- Disruptive behaviour which is deemed to endanger the health and safety of the pupil themselves and/or other pupils, whether on the school campus, or travelling to and from school, or while involved in an activity organised by the school.
- Disruptive behaviour which prevents a teacher or teachers from delivering the curriculum effectively and thus affects other pupils' right to education.
- Serious actual or threatened violence against another pupil or a member of staff.
- Using offensive or abusive language
- Damage to school property
- Indecent behaviour
- Theft
- Arson

- Carrying an offensive weapon.
- Sexual abuse or assault.
- Refusal to comply with the legitimate instructions of the Headteacher.
- Breach of the ICT Acceptable Use Policy.
- Breach of the Mobile Devices Policy or the Yondr Student Phone Policy, for example being in possession of a mobile phone that is not in a Yondr pouch during the school day.
- Activities in the public domain which could bring the name of the school into disrepute.
- Repeated 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.

A pupil may also be excluded from school in line with the terms of the Parent/School Contract if the fees remain unpaid despite three reminders being sent to parents.

Definitions

Fixed Term exclusion:

- This a temporary measure for a fixed period not exceeding **ten** school days.
- The maximum number of fixed term exclusions is **two**: a **third** exclusion will **automatically be considered grounds for a permanent exclusion decision to be made.**
- A fixed-term exclusion may result from a serious breach or persistent breaches of the school's Behaviour and Discipline Policy. It may be a first offence or persistent disruptive behaviour that requires a more significant sanction than other sanctions available to the school under the Behaviour and Discipline Policy, but does not warrant permanent exclusion.
- A fixed term exclusion decision cannot be formally appealed, but the parent has a right to express their views in writing to the Headteacher or Chair of Governors, as appropriate.
- In exceptional cases, usually when further evidence comes to light, a fixed term exclusion may be **extended** or **converted to a permanent exclusion**. Parents or carers will be notified in writing of the decision to permanently exclude the pupil, together with the reasons for doing so.
- The school will set and mark work during a fixed term exclusion and will put in place a Pastoral Support Programme when the pupil returns. This aim of this programme will be to prevent a subsequent exclusion. If a pupil has been excluded from school, they may be allowed to return to sit external examinations for which they have already been entered. An excluded pupil has no automatic right to take a public examination or National Curriculum test on the School's premises.

Reintegration after fixed term exclusion

- Reintegration arrangements will be discussed with the pupil and the parents when they are informed of the exclusion. A reintegration meeting will be held with an appropriate member of staff to discuss a tailored package of support to be offered to the excluded pupil and to others who may have been involved in any incident e.g. counselling, mentoring, being accompanied into class on their return.

Permanent exclusion:

- A decision to permanently exclude a pupil means that the pupil will not return to the school. The decision to exclude a pupil permanently is a serious one. It will usually be the final step in the process for dealing with disciplinary offences following a range of other strategies that have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the pupil and will only be used as a last resort.
- There will, however, be exceptional circumstances where, in the Headteacher's judgement, it is appropriate to **permanently exclude** a pupil **for a first or single offence**. These first or single offences may include:
    - serious, actual or threatened violence against another pupil or a member of staff
    - sexual abuse or assault
    - supplying an illegal drug
    - carrying an offensive weapon
    - arson
- The School will involve the police or other external agencies if the offence warrants it.
- Parents have the right to appeal a decision to **permanently** exclude a pupil and should write to the Chair of Governors, via the School Office within five school days of the date of the decision to permanently exclude. The letter of appeal should state the reasons for the appeal and be accompanied by any supporting evidence. The Chair of Governors will arrange for the decision to be reviewed by a panel of governors in line with the process set out below.
- This right of appeal will not apply in cases relating to exclusion for non-payment of fees.
- Any such exclusion will be under the same terms as a fixed term exclusion, that is to say that the school will set and mark work for the first **five** school days, or in the event of an appeal to the Governing Body, until the result of the appeal becomes known.
- The decision of the governing body panel will be final. If the decision to permanently exclude is upheld, the pupil will be removed from the roll and the School shall have no further responsibility for the pupil's education.

EXCLUSION PROCEDURE

Permanent and Fixed Term exclusions are taken very seriously by the school, and the decision to exclude is not taken lightly. Various alternative strategies to manage behaviour will usually be exhausted before exclusion, as this sanction is only used as a last resort unless the behaviour exhibited equates to a serious breach of the Behaviour and Discipline Policy.

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

Responsibilities of the Headteacher

The School will adhere to the following procedure when deciding whether to exclude a pupil:

Stage:	**Detail:**
Investigation	The Headteacher will nominate an independent investigator to gather the facts and establish what has happened. The investigator will be a senior member of staff. They are likely to be either the Designated Safeguarding Lead, a member of the Pastoral Team or SLT. The investigator will then: • Interview the pupil, in the presence of another teacher; ask for their account of the events and for any comments they may wish to make. • Satisfy themselves that the allegations are well founded in fact. • Find out whether the behaviour may have been provoked, for example in the

	case of racial or sexual harassment, or bullying. 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. Unacceptable behaviour that may warrant disciplinary action will always be investigated before the decision to exclude is made. If an investigation is taking place of a serious nature, parents will be contacted, if appropriate, at the discretion of the investigator.
Investigation report	Based on the evidence gathered during the investigation, the investigator will then produce a written report of their findings with supporting evidence for the Headteacher to consider.
Decision	The Headteacher will then review the investigation report and supporting evidence. Before making a decision to exclude a pupil, the Headteacher will: ● Consider all of the evidence available. ● Ensure that the investigator has undertaken a full and thorough investigation. ● Satisfy themselves that the allegations are well founded in fact. ● Take into account the school's Behaviour and Discipline Policy and all other relevant school policies including equal opportunities policy. ● In a case of disruptive behaviour, take into account the pupil's previous record of behaviour, although in extreme cases it may be appropriate to exclude a pupil whose previous behaviour has been exemplary. ● Consult colleagues as necessary (but not anyone who may later have a role in reviewing the decision). ● Come to a reasoned decision as to whether to exclude the pupil.
Inform the parents of the pupil	When a pupil is excluded the Headteacher will try to inform the parent by telephone as soon as practicable, but in any case will confirm the exclusion decision in writing within one school day. The exclusion decision letter will explain: • the incident that has occurred; • the reason(s) for the Headteacher's decision to exclude the pupil and the steps taken to try to avoid exclusion; • whether the exclusion is Permanent or Fixed-Term; • the length of the exclusion and the date and time of the child's return to school (if the exclusion is for a fixed term); • the arrangements for enabling the pupil to continue their education whilst not in school (including the setting and marking of work); • the date a permanent exclusion takes effect, and details of any relevant previous warnings, fixed term exclusions and other disciplinary measures taken before reaching the decision to permanently exclude; and • the parents' right to either state their case or appeal the decision, including how the pupil may be involved in this process and any deadline for doing so. The Headteacher will also inform the Chair of Governors of the exclusion.

Alternatives to exclusion

- **Internal exclusion**

  If a pupil 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 pupil elsewhere in the school. This may occur over break times and will be used in circumstances where it is not necessary to remove the pupil 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 pupils, a member of staff will, where appropriate, 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 pupil.

- **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.

Other factors to consider before excluding pupil

- **Looked after children and young people**
  Looked after children are at risk of low attainment in school and exclusion. The school should try every practicable means to avoid their exclusion.

- **Disabled Pupils**
  The school has a legal duty under the Equality Act 2010 not to discriminate against disabled pupils by excluding them from school because of their disability.

- **Pupils with SEND**
  We work hard to include students who have behavioural difficulties or difficulties with elements of social interaction as part of their SEND. If a permanent exclusion is made, the Headteacher will use the time between the initial decision and any appeal to see whether a change of circumstances might enable the school to withdraw the exclusion.

- **Race and ethnicity**
  The 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 race or ethnicity they may make a formal complaint to the school following the process outlined in our school's Complaints Policy. 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.

Responsibilities of the School's Governing Body

Parents should notify the Governing Body of their request for a review of the Headteacher's decision to exclude by writing to the Chair of Governors.

The Governing Body must consider any appeal and/or representations from parents of a permanently excluded pupil and delegates its functions in respect of exclusions to a committee consisting of at least three governors (the Discipline Committee).

The Discipline Committee can either uphold an exclusion, or direct reinstatement either immediately or from a particular date. The Discipline Committee cannot extend a fixed term exclusion nor substitute it with a permanent exclusion.

Stage:	**Detail:**
Discipline	The Chair of Governors will:

Committee	• nominate a group of Governors, three of whom may form a Discipline Committee; • appoint one of the Governors as the Chair of the Review Meeting process; and • ensure that none of the Governors on the Discipline Committee has a connection with the pupil that would affect the ability of the Governor to act impartially.
Clerk to the Discipline Committee	The Discipline Committee will appoint a Clerk who must not be a member of the governing body. The Clerk should: ● co-ordinate the Disciplinary Committee Review Meeting; ● write to the parents to invite them to attend the review meeting and set out the process timetable; ● ensure that the date, time and place is convenient to all parties; ● consider whether the excluded pupil should attend, in liaison with the Chair of the review meeting; ● inform the parents that they may bring a friend or companion with them, but that legal representation is not usually appropriate; ● request and collate the relevant documents; ● ensure that any necessary redaction is completed to ensure that any statements do not identify other pupils; ● circulate copies of the documents to all parties at least 5 school days in advance of the meeting, along with a list of those who will be attending and a copy of the procedure for the meeting;
Meeting	The meeting will be attended by the Discipline Committee, the Headteacher on behalf of the school and the Clerk to take notes of the proceedings. The Chair should explain the purpose of the meeting, which will be to hear any representations and for the Discipline Committee to consider whether or not to uphold the exclusion. The Chair should go through the procedure for the meeting: 1. The Headteacher will be invited to explain what has happened to lead to their decision to exclude the pupil and summarise their reasons for it. 2. The parents/representatives will be given the opportunity to ask questions of the Headteacher. 3. The Discipline Committee will be given the opportunity to ask questions of the Headteacher. 4. The parents/representatives will be invited to present their views concerning the exclusion. 5. The Headteacher will be given the opportunity to ask questions of the parents; 6. The Discipline Committee will be given the opportunity to ask questions of the parents. 7. Summary by the Headteacher of the case for exclusion. 8. Summary by the parents of the case against exclusion. Following the stages above, the Discipline Committee will ask all parties to withdraw before making a decision in private session. The Clerk may stay to help the Discipline Committee by reference to their notes of the meeting and with the wording of the decision letter. At this point, the Discipline Committee will consider: ● the statements from the parents their representative and the Headteacher; ● whether, on the balance of probabilities, the pupil has done what they are accused of; ● whether allowing the pupil to remain at the school seriously harms the learning or welfare of the pupil or others in the school;

	● whether the behaviour is a serious breach or amounts to persistent breaches of the School's Behaviour and Discipline policy; ● whether the Headteacher has used appropriate strategies to improve the pupil's behaviour (not applicable in cases of possession of illegal substances); ● whether any further strategies could be used as an alternative to exclusion and ● whether the Headteacher's decision was lawful, rational, reasonable, fair and proportionate. The Clerk to the Discipline Committee should prepare a written record of the meeting. This record may be made available to all parties on request.
Outcome	Once the Discipline Committee has decided on whether to reinstate the pupil or uphold the Headteacher's decision, it will notify the parents, the Headteacher and the Chair of Governors, preferably within one school day of the meeting, and within five school days in writing. If the School decides to adopt this process to review a Fixed Term exclusion, the Discipline Committee will consider whether a note of their views on the exclusion should be placed on the pupil's record with the copy of the Headteacher's exclusion letter.
Decision letter	If the Discipline Committee upholds the Headteacher's decision, the decision letter will confirm this decision and the reason(s) for it. If the Discipline Committee decides that the decision to exclude was not lawful, reasonable or fair in light of the evidence and the duties of the Headteacher, the letter will confirm this decision and the reason(s) for it. The letter will direct the School to reinstate the pupil either immediately or by a given date. If the latter option is chosen, support will be given to ensure that the pupil is reintegrated back into the school.
	The decision of the Discipline Committee will be final. The outcome/decision will be noted on the pupil's educational record. If the decision was not to uphold the exclusion, this will be removed from any educational record that is transferred to another school. Copies of the relevant papers will be kept in line with the School's policy on data retention.

Keeping records of exclusions

Detailed, confidential records will be kept at all stages of the procedure, including any statements taken and investigative meetings. These records will be held by the School in line with our data retention policy and will be controlled by the Headteacher.

Confidentiality

The school will deal with all cases of 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. All personal data will be handled in line with the relevant data protection legislation.

Related policies

- Behaviour and Discipline
- Anti-bullying
- ICT, Mobile Equipment and e-Safety (includes Acceptable Use/ Use of iPads)