



# Exclusion Policy

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| <b>Written</b>     | January 2026 |
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| <b>Role</b>        | Headteacher  |
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## Statement of intent

At Ysgol Y Rhos we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that the exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behavioural Policy. Excluding a pupil may also be required in instances where allowing the pupil to remain in Ysgol Y Rhos would be damaging to the education and welfare of themselves or others; in all cases, excluding pupils will only be used as a means of last resort.

Ysgol Y Rhos has created this policy to provide clarity on when the school's right to exclude a pupil may be exercised, and to ensure that our procedures are fair and promote natural justice. This policy does not apply to instances when a pupil must leave Ysgol Y Rhos due to a home decision, social worker decisions, virtual school decisions or withdrawal by their parents.

## Legal framework

This policy has due regard to the related statutory legislation including, but not limited to, the following:

- Education Act 2002
- Education and Inspections Act 2006
- Education Act 1996
- The Education (Independent School Standards) Regulations
- The European Convention on Human Rights (ECHR)
- Equality Act 2010

## United Nations Convention of the Rights of the Child (UNCRC)

Our exclusion policy has also been written with due regard for the UNCRC demonstrating our commitment to the promotion and protection of children's rights ensuring that the voice, welfare and dignity of all our pupils is paramount to the work that we do. Our exclusion policy encompasses the UNCRC in the following ways.

| Article   | Theme                       | Links  |
|-----------|-----------------------------|--|
| Article 2 | Non-discrimination          | Exclusion decisions at Ysgol Y Rhos will never discriminate on the basis of disability, race, religion, gender, language, care status, or background. Our policy ensures reasonable adjustments and fair consideration for pupils with additional needs. Disproportionate exclusion of vulnerable groups will be actively monitored and avoided. |
| Article 3 | Best interests of the child | Exclusion decisions will prioritise the child's welfare, safety and long-term outcomes, not solely behaviour management. Exclusion is a last resort, used only   |

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|            |   | when all other interventions have been exhausted or where safety is at risk.   |
| Article 6  | Right to life, survival and development               | Exclusion can negatively impact a child's development and well-being. Our exclusion policy ensures continued safeguarding, education and support during any period of exclusion.   |
| Article 12 | Right to be heard                                     | Children at Ysgol Y Rhos will be given the opportunity to explain their perspective before an exclusion decision is made. Their views will be considered and recorded as part of the decision-making process.  |
| Article 13 | Freedom of expression                                 | Pupils will be able to express concerns, emotions and views during exclusion processes without fear of retaliation or dismissal.   |
| Article 16 | Right to privacy                                      | Exclusion processes will be handled confidentially. Details will only be shared with those directly involved, preserving the pupils dignity.   |
| Article 19 | Protection for all forms of harm                      | Exclusion at Ysgol Y Rhos will not place a child at greater risk of harm, neglect or exploitation.   |
| Article 20 | Protection for children without family care           | For children who are looked after, exclusion decisions will involve the placing authority, social worker and corporate parent. Additional safeguards will be in place to prevent educational disruption.   |
| Article 23 | Rights of children with disabilities                  | Pupils with disabilities or Additional Learning Needs, (ALN) will not be excluded for behaviours arising from unmet needs or lack of appropriate support.  |
| Article 24 | Right to health                                       | Exclusion decisions will take account of a pupils mental health and emotional well-being. Support will be offered to mitigate distress and anxiety linked to exclusion.  |
| Article 28 | Right to education                                    | Every child has the right to education. Our exclusion policy ensures that; exclusion does not unlawfully deny access to education, alternative educational provision is arranged where required, education continues during exclusion periods where appropriate. |
| Article 29 | Aims of education                                     | Exclusion at Ysgol Y Rhos will support learning, reflection and reintegration, not punishment. Our policy promotes personal responsibility, restoration and positive behaviour change.   |
| Article 31 | Right to rest, leisure and play                       | Any restrictions placed during exclusion will be proportionate and not unnecessarily punitive.   |
| Article 37 | Protection from cruel, inhuman or degrading treatment | Exclusion at Ysgol Y Rhos will never be used as a form of humiliation or retaliation.  |
| Article 39 | Recovery and reintegration                            | This policy includes clear reintegration procedures including; support meetings, behaviour plans and pastoral and therapeutic support  |
| Article 42 | Awareness of rights                                   | Pupils and parents/carers will be informed of; the exclusion process, their rights to representation and appeal and support available.   |

## Roles and responsibilities

### The LA / virtual school is responsible for:

- Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school.

- Reviewing and reassessing pupils' needs in consultation with all stakeholders for the individual pupil, where they have an EHC/IDP plan and are excluded permanently, with a view to identifying a new placement.

The Headteacher is responsible for:

- Ensuring arrangements are in place to allow for a prompt review of all permanent exclusions, where necessary.
- Considering written representations from relevant stakeholders about exclusions within seven working days of receiving notice.
- Where an exclusion would result in a pupil missing an examination or test, considering the exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the Ysgol Y Rhos premises to sit the examination or test.

The Headteacher, and Proprietor are responsible for:

- Applying the civil standard of proof when establishing the facts in relation to an exclusion.
- Complying with their statutory duties in relation to pupils with ALN when administering the exclusion process, as outlined in the ALN Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, bullying or has a mental health issue.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly pupils:
  - With ALN
  - Who are Children Looked After.
  - From certain ethnic groups
  - Engaging effectively with relevant stakeholders in supporting the behaviour of pupils with additional needs.
  - Instigating a multi-agency assessment to assess the behavioural issues of vulnerable pupils, when necessary.
  - Arranging and attending a disciplinary meeting with the pupil and the relevant stakeholders.
  - Determining whether a pupil will be excluded on disciplinary grounds.
  - Ensuring any decision to exclude is lawful, rational, reasonable, fair, and proportionate.
  - Complying with the requirements of the Equality Act 2010 when deciding whether to exclude a pupil.
  - Ensuring they have considered their legal duty of care when sending a pupil home following an exclusion.
  - Notifying a pupil's relevant stakeholders without delay where the decision is taken to exclude the pupil.
  - Notifying the LA / virtual school within 24 hours of their decision to exclude a pupil where appropriate, as well as the pupil's home authority.
  - Organising suitable work for excluded pupils where necessary.
  - Considering problems, e.g. safeguarding concerns, that may be caused by a temporary exclusion, e.g. inadequate supervision of the pupil during the exclusion.

## Grounds for exclusion

Ysgol Y Rhos will only exclude a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the schools Behavioural Policy have failed to be successful. The following examples of pupil behaviour may underline Ysgol Y Rhos' decision to exclude a pupil:

- Any incident which poses a risk to other pupils or members of staff, e.g., bringing a weapon onto the premises
- Any incident which breaches the law
- Persistent and severe bullying
- Verbal and physical abuse
- Constant and repeated disruption
- Damage to property and vandalism
- Cheating, including plagiarism
- A single, serious and major incident, e.g., serious assault on another individual leading to injury

The following examples of relevant stakeholders' behaviour may underline Ysgol Y Rhos's decision to exclude a pupil:

- Any action which brings Ysgol Y Rhos into disrepute
- Causing serious or repeated disruption on Ysgol Y Rhos premises
- Behaving aggressively or threateningly towards Ysgol Y Rhos staff, including via social media or electronic communication

The above list is not intended to be exhaustive, and it will remain at the discretion of the Headteacher to determine if exclusion is an appropriate disciplinary action in response to an incident or series of incidents.

Pupils can be excluded on a fixed-period basis, i.e., up to 45 school days within an academic year, or permanently. Similarly, pupils can be permanently excluded following a fixed-period exclusion, where further evidence is presented.

In all cases, the Headteacher with Proprietor will decide which exclusion period a pupil will be subject to, depending on what the circumstances warrant.

The Headteacher with the Proprietor will decide if an offence warrants police involvement if there is a belief criminal activity may have taken place.

## The Headteacher's power to exclude

The Headteacher has the power to exclude a pupil from Ysgol Y Rhos, which is derived from the schools' policies and procedures, and they will decide whether this is on a fixed-period or permanent basis.

The Headteacher is able to exclude pupils from the premises where their behaviour is disruptive during lunchtime.

The Headteacher is able to consider a pupil's disruptive behaviour outside of Ysgol Y Rhos premises as grounds for exclusion, in accordance with the school's Behavioural Policy.

Any decision made to exclude a pupil will be lawful, proportionate, and fair, with respect to Ysgol Y Rhos's wider legal duties, including the ECHR (Equality and Human Right Commission).

All exclusions will be formally recorded on the pupil information system.

When sending a pupil home following an exclusion, the Headteacher will ensure that they exercise their duty of care at all times and will always inform the pupil's relevant stakeholders.

The Headteacher will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e., that 'on the balance of probabilities it is more likely than not that the facts are true.'

At all times the Headteacher will take into account their legal duties under the Equality Act 2010 and the 'Additional Learning Needs Code Wales 2021', ensuring that they do not discriminate on any grounds, e.g., race, sex, disability, and will not increase the severity of a pupil's exclusion on these protected characteristics.

The use of internal exclusion, where a pupil is separated from other pupils as a disciplinary action, will not be registered as a formal exclusion and the pupil will not be sent home from Ysgol Y Rhos.

The Headteacher will not use the threat of exclusion as a means of instructing relevant stakeholders to remove their child from the premises.

## **Factors to consider when excluding a pupil**

An exclusion will only be imposed instantly if there is believed to be an immediate threat to the safety of staff and pupils in Ysgol Y Rhos or the pupil themselves.

When considering the exclusion of a pupil, the Headteacher will:

- Ensure an appropriate investigation and evidence-recording process is carried out.
- Allow the pupil the opportunity to present their case, accompanied by a member of staff or a relevant stakeholder if requested.
- Give adequate consideration to contributing factors that are identified after a case of poor behaviour has occurred, e.g., the pupil's ALN, or if the pupil's wellbeing has been compromised, or they have been subjected to bullying.

Headteacher will consider what extra support may be available for vulnerable pupil groups, e.g., pupils with ALN, whose exclusion rates are higher, to reduce their risk of exclusion.

The Headteacher will consider avoiding permanently excluding looked after children, pupils with Social, Emotional and Mental Health (SEMH) issues and pupils with an Educational Health Care Plan, (EHCP) / Individual Development Plan, (IDP).

Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the Headteacher who will instigate a multi-agency assessment to determine

whether the behavioural issues might be a result of educational and mental health needs, or other needs and vulnerabilities. The full assessment procedures are outlined in the school's Social, Emotional and Mental Health (SEMH) Policy.

Where ALN or SEMH issues are identified, the pupils positive behavioural support plan (PBSP) will be utilised using the graduated response outlined in the school's Behavioural Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then exclusion may be considered.

In accordance with the Equality Act 2010, under no circumstances will a pupil with identified ALN or SEMH issues be excluded before the graduated response process has been completed.

Where a pupil with ALN or SEMH issues is permanently excluded because of a ALN or SEMH-related need that could not be met at Ysgol Y Rhos detailed records will be kept highlighting that these pupils are closely tracked and showing that Ysgol Y Rhos has a close relationship with the pupil's next destination.

The Headteacher will work in conjunction with the relevant stakeholders of any pupil with additional needs to establish the most effective support mechanisms.

### **Duty to inform relevant stakeholders**

The Headteacher will inform the relevant stakeholders of a pupil under investigation for an incident that may result in exclusion as soon as is reasonably practical.

When a decision is made to exclude a pupil the Headteacher will immediately inform all relevant stakeholders, in person or by telephone of the period of the exclusion and the reasons behind this.

The Headteacher will inform the pupil's relevant stakeholders via written communication of the following:

- The reason(s) for the exclusion
- The details of the incident(s) that led to the exclusion
- The length of the fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent
- The arrangements to allow the pupil to work at home, where appropriate
- The pupil's rights to enter Ysgol Y Rhos premises during the exclusion.
- Their right to raise any representations about the exclusion to the Proprietor of Ysgol Y Rhos, including where a deadline applies, how the pupil will be involved in this and how the representations will be made.

If the Headteacher decides to exclude the pupil for a further fixed period following their original exclusion, or to permanently exclude them, they will notify the pupil's relevant stakeholders without delay and issue them with a new exclusion notice.

If a pupil with ALN has been excluded, the Headteacher will ensure that:

- Any alternative provision is arranged in consultation with the pupil's relevant stakeholders, who can request preferences.
- When identifying alternative provision, any EHCP / IDP is reviewed or the pupil's needs are reassessed, in consultation with the pupil's relevant stakeholders.

## Disciplinary meeting

The Headteacher will decide if a disciplinary meeting is required to address breaches of Ysgol Y Rhos's Behavioural Policy or other policies where exclusion is considered necessary.

The pupil and their relevant stakeholders will be requested to attend the disciplinary meeting and they will be provided with the opportunity to provide their views of the complaints made.

A member of staff will be chosen by the pupil to accompany them in the meeting if requested.

At the meeting, the Headteacher will ensure the following documents are available:

- A statement detailing the incident(s) and complaints against the pupil
- The report compiled as part of the investigation
- Any relevant correspondence, e.g., written statements
- Relevant documents from the pupil's school file
- A copy of this policy

The Headteacher will not be required to share confidential information, or the identities of pupils or others who have provided information that has formed part of the evidence against a pupil, with parents.

The Headteacher will decide based on the evidence presented at the meeting and representations made by and on behalf of the pupil whether further investigation is needed, or whether the complaint has been proved or disproved on the balance of probability.

If the complaint is proved, the Headteacher will inform the pupil and their relevant stakeholders of the possible disciplinary actions, and a decision will be given within 24 hours.

If the pupil's relevant stakeholders request a review by the Proprietor, the pupil will remain suspended until the relevant person has concluded the process.

## Reviewing exclusions

The Proprietor or Ysgol Y Rhos will consider any representations made by the pupil's relevant stakeholders in regard to exclusions that are received in writing within three working days of notification – representations made after the deadline will be considered only at the discretion of the Proprietor.

The relevant stakeholders' representation will state the basis on which they are seeking a review and the resolution they want.

The Proprietor will decide if a review is warranted based on the representation – a simple disagreement with the Headteacher's decision will not typically be considered sufficient grounds for a review.

The Headteacher will ensure appropriate arrangements are in place for the review if the pupil has ALN or the relevant stakeholders have any disabilities that necessitate additional facilities or adjustments.

When a review is granted, the Proprietor will select a three-member panel.

The members of the panel will not have prior knowledge of the details of the case or be familiar with the pupil or their parents.

The pupil's relevant stakeholders will be notified before the review of the chosen members for the panel, and the Proprietor will consider any objections raised.

The review will take place within 10 working days of submission of the parents' representations during term time.

The chair of the panel will decide if new information provided by either side is allowed to be considered.

The panel will examine the evidence provided by both sides and the representations made and will decide if the original decision stands or whether the Headteacher should reconsider their decision with recommendations made, e.g., to reduce the severity of the consequence.

A review meeting is a private procedure and all those involved will keep the proceedings confidential, subject to law.

In attendance at the review meeting will be the members of the panel, an appointed clerk, the Headteacher, the pupil and their parents, and any relevant staff member requested by the pupil, or their relevant stakeholders agreed upon by the Headteacher. The procedures of the review meeting will be informal, fair and follow the requirements of natural justice.

## Reaching a decision

The panel will consider how the decision was reached and if the facts of the case were sufficiently proved – the civil standard of proof will apply.

The panel will decide if the disciplinary action was proportionate to the complaints made against the pupil.

The pupil and their relevant stakeholders will be informed that if they are unhappy with the procedure of the review, they should raise their concern to the chair of the panel at the time and ask the clerk to note their concern.

Once all issues have been considered, the panel will reach its decision and make its recommendations, which will be communicated in writing, with justifications, to the Headteacher and the pupil's relevant stakeholders by the chair of the panel within three working days of the meeting.

The Headteacher will respond to the recommendations within 24 hours of notification. This decision will be final.

The Headteacher will consult with the pupil's relevant stakeholders before determining the leaving status of the excluded pupil, in line with the policies of Ysgol Y Rhos, and any additional arrangements, e.g., the form of reference which will be supplied for the pupil.

*This policy is reviewed every three years as a minimum. However, where there are changes to legislation/guidance or in response to recommendation from any significant incident, review of the policy will take place immediately.*

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| Policy Created By  | Sam Thomas   | 07/01/2026 |
| Policy Approved By | Catrin Jones | 07/01/2026 |