

# Exclusion Policy

Sekolah Sri KDU Kota Damansara



<b>Approved by:</b>	[Anthony Partington]	<b>Date:</b> [1 Aug 2023]
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## Purpose

The purpose of this policy is to identify the procedure in the instance an exclusion to the school must be made in the interests of the individual student, or the school community. 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.

## Scope

This policy applies to all staff and students within our community. Exclusion is a punishment of last resort. No exclusion will be made without exhausting other behaviour strategies or, in the instance of a severe single incident, a proper investigation by a member of the SLT, where the voice of all parties involved will be heard.

We will work in partnership with parents to ensure the school's behaviour expectations are clear and parents can reinforce them with their children. This includes ensuring that parents are kept informed about decisions made in response to a child's misbehaviour so that we can work together in the best interests of students to ensure expectations for behaviour are made clear.

The school is responsible for communicating to students, parents and staff its expectations of standards of conduct.

## Legislative Context

- Education Act 1996
- Child Act 2001
- United Nations Universal Declaration of Human Rights  
<https://www.un.org/en/universal-declaration-human-rights/>
- UN's Convention on the Rights of the Child  
<https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

## Definitions

Term	Definition
Internal Exclusion	Internal exclusion is when a student is excluded from the rest of the school day and/or for subsequent days and must work away from their class for a fixed amount of time. This will be in a different classroom/space. An internal exclusion is a discretionary measure, where a student's behaviour is escalating and more serious measures need to be taken but there are not yet grounds for an external / fixed-term exclusion. Typically, a child receiving a consequence of this level should be receiving additional support for their behaviour, intended to help them to avoid their behaviour escalating to a point where a fixed term exclusion is necessary (examples: behaviour chart to address specific behaviours causing a problem; support from the form teacher etc)
Temporary/Fixed term exclusion	A temporary / fixed term exclusion is when a child is excluded from school and must remain home for a fixed amount of time. This should be for the shortest time necessary to ensure minimal disruption to the child's education, whilst mindful of the seriousness of the breach of policy.
Permanent exclusion	A permanent exclusion is when a child is permanently excluded from school and not allowed to return. This is a very serious decision and the Principal will consult with senior leaders as soon as possible in such a case.

## Policy Statement

Sekolah Sri KDU Kota Damansara is committed to valuing diversity and to equality of opportunity. We aim to create and promote an environment in which students, parents and staff are treated fairly and with respect, and feel able to contribute to the best of their abilities.

Reasons for exclusion:

- supply/possession/use of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco;
- theft, blackmail, physical violence, intimidation, racism toward or persistent bullying (including cyber-bullying) of students and staff;
- misconduct of a sexual nature, supply or possession of pornography;
- possession or use of unauthorised firearms, knives or other weapons or anything which could be used as a weapon/instrument which could cause harm;
- vandalism or computer hacking;
- other serious misconduct which affects the welfare of a member or members of the school community (single or repeated episodes) on or off school premises or via social media.

Exclusion may be the result of persistently poor behaviour or a serious single incident.

The behaviour of students outside of school can be considered as grounds for exclusion, especially where it might bring the name of the school and its reputation into disrepute. This will be a matter of judgement for the Principal in accordance with the Behaviour Policy.

Principle	Demonstrated by:
Exclusion as a punishment of last resort	Ensuring that there is sufficient recorded evidence to support the decision or that a thorough investigation, hearing all parties voice, has taken place.
Effective communication	<p>If the Principal decides to exclude a student he will:</p> <ul style="list-style-type: none"> <li>• explain the decision to the student, if the student is in the state of mind to listen to the decision;</li> <li>• contact the parents, explain the decision and ask that the child be collected;</li> <li>• send a letter to the parents confirming the reasons for the exclusion, whether it is a permanent or temporary exclusion and how to appeal;</li> <li>• the length of the exclusion and any terms or conditions agreed for the student's return.</li> </ul>
Missing curriculum time	In cases of more than a day's exclusion, teachers will ensure that appropriate work is set and that arrangements are in place for it to be marked.
Re-integration	<p>Key stage and Heads of School will:</p> <ul style="list-style-type: none"> <li>• plan how to address the student's needs and integration back into their class on his/her return;</li> <li>• plan a meeting with parents and student on his/her return to be conducted by a suitable senior member of staff to ensure that expectations are set for an effective return.</li> </ul>
Safeguarding	<p>An exclusion will not be enforced if doing so may put the safety of the student 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, implementing the original exclusion decision from the time the child is collected from school.</p> <p>The decision to inform parents will not be impacted by circumstance at home, however the level of information shared may be discretionary to ensure the student is not at risk from abuse/reprimand.</p>

SEN	The school must take account of any special educational needs when considering whether or not to exclude a student. The Principal should ensure that reasonable steps have been taken by the school to respond to a student’s disability so the student is not treated less favourably for reasons related to the disability.
Standard of proof	When establishing the facts in relation to an exclusion decision the Principal 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’.

## Confidentiality and Privacy

Relevant information will be shared with relevant individuals at the discretion of the SLT. Where safeguarding becomes relevant, safeguarding procedures will be followed.

## Supporting Documents

- Behaviour Policy
- Safeguarding Policy
- Health and Safety Policy

## Responsibility

- Principal, SLT, whole staff to ensure exclusion is always the last resort.

## Promulgation

The Exclusions Policy will be communicated throughout the School community in the form of:

1. An announcement notice via briefings and email;
2. Distribution of policy via e-mail to all staff to whom this may apply;
3. Inclusion on the school website and parent portal (where applicable) to ensure parents also know of the policy.

## Implementation

The Exclusions Policy will be implemented throughout the school via:

1. Through briefings and email;
2. Staff induction sessions;
3. Training sessions

## Procedure

The decision to exclude a student is not taken lightly and the Principal will:

- ensure that a thorough investigation has been carried out, usually by a member of the Leadership Team;
- consider all the evidence available to support the allegations;
- allow and encourage the student to give their version of events;
- keep a written record of the actions taken including the signed statements of witnesses. Any exclusion of a student, even for short periods of time, will be formally recorded; and
- be confident that the procedures detailed in this policy and the law of Malaysia have been carried out.

**Notification to parents/carers:** If the Principal decides to exclude a student they will, without delay, notify parents/carers of the period of the exclusion and the reasons for it. The Principal will also, without delay, provide parents/carers with the following information in writing:

- the reasons for the exclusion;
- the period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
- how any representations or appeals should be made, which should be done with 21 days from the date of the notice in writing to the Board of Governors, via the Principal, who is Secretary to the Board of Governors.

**Sent home:** Once the decision has been made to exclude, a student will only be sent home once contact has been made with parents/carers and where it is clear that the student will be returning to a place of safety. Work will be provided and either sent with the student or arrangements made for collection.

**Fixed-term exclusions:** A student may be excluded for one or more fixed-term periods. A decision to exclude a student for a fixed-term may be taken in response to breaches of the school's Behaviour Policy. A student may be subject to a fixed term exclusion and be required to stay at home whilst a complaint is being investigated or while an investigation is adjourned. Repeated fixed-term exclusions in a single year – more than three occasions or more than six days in total - may result in permanent exclusion.

**Lunchtime exclusions:** Students whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In such cases the requirements in relation to exclusion, such as the Principal's duty to notify parents/carers, still apply. This does not extend to detentions set at break or lunchtimes.

**Set work:** During a fixed-term exclusion of up to 5 days, work will be set by the school for the student to complete at home. This work should be returned completed at the end of the exclusion for marking. Parents/carers should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what work should be set. Alternatively, the student may be placed under a segregated regime on school premises.

**Reintegration:** Before return to school after a fixed-term exclusion, parents/carers will need to attend a reintegration meeting at the school with their son/daughter. The purpose of the meeting is to ensure that the student understands the reason for the exclusion and is committed to preventing the behaviour that led to the exclusion from being repeated. The school will consider all further support needed to help the student. The student may also spend a period of time on report to staff members to support their reintegration.

**Permanent exclusion:** Permanent exclusion is an extremely serious step to take and has a significant impact on the ability of a student to access education in the future. It is only used where it is unavoidable and where every possible appropriate alternative has been considered. Permanent exclusion will only be used as a last

resort, in response to a serious breach, or persistent breaches, of the school's Behaviour Policy; and where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

The Principal will meet with the parents/carers and the student before reaching a decision to permanently exclude a student. Under normal circumstances, a student will be excluded for a fixed-term before the decision is made to permanently exclude in order that a thorough investigation can take place. Parents should be informed of this decision within five working days.

Details of the reasons for permanent exclusion will be provided in writing along with details of financial settlement. This will be also shared with the Registrar General of the Ministry of Education in accordance with guidance/ statute.

**Appeals:** Representation may be made in writing to the Board of Governors via the Principal, who is Secretary to the Board of Governors, by parents/carers to review the exclusion decisions within 21 days from the date of the letter of notice. This appeal will consider mitigating factor or other information that was not considered at the time of making the original decision, as well as the basis for the original decision and the process undertaken. The Governors of the school will consider the grounds for permanent exclusion and the representation made by parents for reconsideration.

The Governors via the Principal will write to parents following such representation with the reconsidered decision that will:

- uphold the original decision;
- apply a different sanction and reinstate the student;
- withdraw all sanctions and reinstate the student.

A decision and reply should be made within 30 days. This decision will be final and there is no further school-level appeal.