



## Exclusion Policy

Circulated for Consultation:		
Policy Written on: <b>September 2017</b>	Approved and Signed by Simon Garrill, Chief Executive Officer	Approved and Signed by Judith Gainsborough, Chair of Governors
To be reviewed: <b>September 2019</b>		

## **Section 1**

### **Guidance Framework**

- ☑ Exclusions from maintained schools, Academies and pupil referral units in England (DFE Guidance 2015)
- ☑ The Education Act 2002, as amended by the Education Act 2011
- ☑ The School Discipline (Pupil Exclusions and Reviews) Regulations 2012
- ☑ The Education and Inspections Act 2006
- ☑ The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007

## **Section 2**

### **School policy on exclusions**

2.1 The school is aware that challenging behaviours are often a way in which a student is communicating a need in an inappropriate manner. As a result, on occasions, this may be harmful to themselves and to others or disrupt the learning of peers. For these reasons, we recognise that we have a duty to ensure that the school is a safe and positive learning environment for all. The school is an educational institution which has a strong commitment to learning. We view exclusion as a last resort when all other possible methods of supporting student behaviour have been exhausted. The decision to exclude is never taken lightly and careful consideration is taken of the facts and the surrounding circumstances before reaching a decision to exclude.

2.2 Incidents of exclusion are avoided where possible and will be extremely rare, we recognise this is not a successful sanction for young people on the autistic spectrum. A decision to exclude a student, either for a fixed period or permanently is seen as a last resort by the school while always bearing in mind our duty of care to students and staff.

2.3 We recognise the detrimental impact of exclusion on both the education and well-being of students and their families. We also recognise the impact of social exclusion, which can result from the permanent exclusion of a student and will try hard to avoid it.

2.4 The school takes seriously its obligations under the Equality Act 2010 to ensure that policy and practice does not discriminate against students by unfairly increasing their risk of exclusion.

2.5 The school is responsible for communicating to students, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote and support positive behaviour and appropriate conduct.

## **Section 3**

### **Avoiding exclusions**

3.1 The school does not seek to permanently exclude any of its students. However, in very rare incidents where there has been an extreme cause for concern and it is considered the safety of other students and staff are at risk, the school may have to consider this option. The school will always take account of a student's special educational need and

particular profile when considering whether or not to exclude. The Headteacher will ensure that reasonable steps have been taken by the school to respond to the student's disability so the student is not treated less favourably for reasons related to the disability.

Reasonable steps will include:

- Differentiation in the school's Behaviour Support Policy
- Adjusting and reviewing support plans and strategies to prevent the challenging behaviours
- Drawing on MDT expertise and reviewing specialist support and interventions
- Requesting external help with the student
- Staff training and sharing of expertise to support the student

3.2 The decision to terminate a placement because the school can no longer meet the needs of the student will only be taken following lengthy consultation with the CEO of the Trust, Headteacher and the placing Local Authority.

In rare cases, we work with all agencies to find an alternative provision if after a comprehensive range of strategies have been tried and exhausted and the school can no longer successfully provide for that student.

Before any decision is made, the Headteacher will ensure they have considered the following:

- Outcome of discussion with CEO and Chair of Governors
- Emergency Annual Review feedback
- Reports, accounts and facts from all involved professionals
- Potential risks
- Interview with the student (where appropriate) and their parents/carers

3.3 Where reasonable adjustments to policies and practices have been made, to accommodate a student's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified, if there is a material and substantial reason for it. A specific incident affecting order and discipline in the school may be such a reason.

3.4 No exclusion will be initiated without having first exhausted other strategies or, in the case of a serious single incident, a thorough investigation. Reasons for exclusion would be:

- Serious breach of the school's rules or policies
- Risk of harm to the education or welfare of the pupil or others in the school

3.5 Any exclusion will be at the recommendation of the Headteacher.

## **Section 4**

### **Fixed term exclusion**

4.1 A fixed term exclusion will be used for the shortest time necessary without adverse educational consequences. Exclusion for a period of time from half a day to 5 days for

persistent or cumulative problems would be imposed only when the school has already offered and implemented a range of support and management strategies.

These could include:

- Discussion with the student (Appropriate to their level and need of communication and understanding).
- Mentoring or intervention (adult support)
- Discussion with parents/carers
- Adjusting Behaviour Support Plans and setting targets or an individual action plan
- Checking on any possible provocation or arising triggers
- Mediation approaches
- Counselling or support for emotional well-being
- Internal exclusion
- Multi-agency support
- Emergency review of EHCP,
- Review of pastoral care plans, or Single Point of Access (SPA) referral

4.2 Examples of behaviour that may lead to a fixed-term exclusion include the following:

- Physical abuse of staff or students
- Endangering the Health and Safety of Others
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs or other substances
- Theft
- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Carrying and / or supplying an illegal substance
- Carrying an offensive weapon (a weapon is defined as any item made or adapted for causing injury)
- Arson
- Persistent challenging behaviours that occur after all strategies have been implemented to support the student's behaviour.

This is not an exhaustive list and there may be other examples of behaviour where the Headteacher judges that exclusion is an appropriate sanction.

4.3 Exclusion will not be used for minor incidents (e.g. typical behaviours as outlined in the student's BSP, lateness, poor academic performance or breaches of uniform rules) or as a consequence for the following:

- Minor incidents such as a failure to complete homework
- Poor academic performance
- Lateness or truancy

- Breaches of school rules on uniform or appearance except where these are persistent or in open defiance of such rules
- Pregnancy
- As a punishment for the behaviour of their parent / carer
- Identified behaviours exhibited as outline within the student's BSP

4.4 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.

4.5 The Head of School may exclude a student for one or more fixed periods which do not exceed a total of 45 school days in any one school year.

4.6 During a fixed term exclusion of 5 or fewer 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.

4.7 For an exclusion of longer than 5 days, the school will arrange full-time educational provision from the sixth day of exclusion. In addition, the Local Authority must ensure that an appropriate full time placement is identified in consultation with the parents, who retain their right to express a preference for a school that they wish their child to attend, or make representations for a placement in any other school. Students attending an alternative placement will be marked as Code B (Educated Off Site).

4.8 During the first five days of any exclusion, the parents of an excluded student must ensure that they are not present in a public place during normal school hours without reasonable justification, whether with or without a parent / carer. Failure to comply with this is an offence for which a fixed penalty notice can be issued.

4.9 Before the end of any fixed-term exclusion, parents / carers will be invited to attend a reintegration meeting at the School with their son/daughter. The purpose of the meeting is to ensure that the student is fully supported to understand the reason for the exclusion and is committed to working with the school to follow the strategies in place to help prevent the behaviour re-occurring. The school will consider all further support needed to help the student, including referral to external agencies if appropriate.

## **Section 5**

### **Permanent exclusion**

5.1 A permanent exclusion is a very serious decision and the Headteacher will consult with the CEO and a member of the local governing body before enforcing it. As with a temporary

exclusion, it will follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of school rules and policies, such as:

- Serious actual or threatened violence against another student or a member of staff with an immediate risk to safety of others or that young person.
- Possession or use of an illegal drug on the school premises
- Carrying an offensive weapon
- Persistent bullying
- Racial harassment
- Persistent disruptive behaviour
- In response to ongoing serious incidents

## **Section 6**

### **The decision to exclude**

6.1 If the Headteacher decides to exclude a student he/she will;

- Ensure there is sufficient recorded evidence to support the decision
- Explain the decision to the student (using specific means appropriate to their needs)
- Contact the parents/carers, explain the decision and ask that the child be collected
- Send a letter to the parents/carers confirming the reason for the exclusion, whether it is a permanent or temporary exclusion, the length of the exclusion and any terms or conditions agreed for the student's return
- In cases of more than a day's exclusion, ensure that appropriate work is set and that arrangements are in place for it to be marked
- Plan how to address the student's needs on his/her return
- Plan a meeting with parents/carers and student on his/her return

6.2 An exclusion will not be enforced if doing so may put the safety of the student at risk.

### **Single incident**

6.3 Temporary exclusion may be used in response to a serious breach of school rules and policies or a disciplinary offence. In such cases the Headteacher will investigate the incident thoroughly, usually via the senior leadership team, and will consider all evidence to support the allegation, taking account of the school's policies. The student will be encouraged, and if necessary be supported by familiar staff or parents, to give his/her version of events. A member of the Leadership Team will check to find out whether the incident may have been provoked, for example by bullying or harassment. If necessary the Headteacher will consult a governor, but not a governor who may have a role in reviewing the Headteacher's decision.

### **Behaviour outside school**

6.4 Students' behaviour outside school on any educational or school visit is subject to the school's behaviour policy. Negative or challenging behaviour in such circumstances will be dealt with as if it had taken place in school and the behaviour policy will be applied.

#### **Marking attendance registers following exclusion**

6.5 When a student is excluded temporarily, he/she will be marked as absent using Code E.

#### **Removal from the school for other reasons**

6.6 The Headteacher may send a student home, after consultation with the parents/carers and a health professional as appropriate, if the student poses an immediate and serious risk to the health and safety of other pupils and staff, e.g. because of a diagnosed illness such as a notifiable disease. This will not be classed as an exclusion and should be for the shortest possible time.

### **Section 7**

#### **Discipline committees and appeals**

7.1 The School's Governing Body has responsibility for supporting the Headteacher in making decisions and reviewing them in relation to exclusions. The Discipline Committee consists of at least 3 members of the Governing Body

The Discipline Committee of the Governing Body will review any exclusion which results in a student being permanently excluded or for more than 15 school days in any one term, where the exclusion results in the child missing a public exam. This review will take place whether or not the parent / carer requests it.

The Discipline Committee will decide to (1) uphold the exclusion or (2) to direct reinstatement of the pupil immediately or on a particular date.

#### **Exclusions less than 5 days within a term**

7.2 A parent / carer may request that the Discipline Committee review the process within 15 school days of receiving notice of the exclusion. Requests are made via the clerk to the governors. The request should be made in writing and should set out the question(s) which they wish the Discipline Committee to consider parents will be invited to attend. Following the meeting parents will be informed of the decision of the committee in writing within 5 days.

#### **Permanent exclusions resulting in the student missing a public exam or more than 15 days fixed period within a term**

7.3 The Discipline Committee meets within 15 school days of receiving notice of the exclusion; parents will be invited to attend. In addition, the Head of School must inform the Chair of the governing body before the decision is implemented. Following the meeting parents will be informed of the decision of the committee in writing within 5 days. In the event of permanent exclusion parent/carers may appeal to an Independent Review Panel. In

the event of the exclusion resulting in a student missing a public exam a governing body will take reasonable steps to meet before the date of the examination. If this is not practical, the chair of governors may consider pupils reinstatement independently.

### **Independent review panels**

7.4 An Independent Review Panel (IRP) will consist of 3 people and will be chaired by a lay member and two other independent members, one with governance experience; the other with Headship experience. This panel will decide if it considers the school has acted illegally, irrationally or if there are significant flaws in its procedure. The IRP has no powers of reinstatement.

7.5 Requests to appeal must be made within 15 school days of receiving notice to uphold exclusion via the discipline committee. The IRP will meet within 15 school days of receiving the request for appeal. Requests are made via the clerk to the governors.

7.6 The school will take reasonable steps to identify a date for the review which all parties are able to attend. Where the same issues are raised by two or more applicants, and all parties are in agreement, the reviews may be combined.

7.7 Following the IRP hearing parents and the school will be informed of the panel's recommendations within 5 school days in writing.

7.8 Should the recommendation be that the school choose to reconsider the decision and the Governing body accept this recommendation an offer of reinstatement will be received by parents within 10 schools days of the recommendation being received.

7.9 The Independent Appeals Panel can either (1) uphold the decision to exclude the student or (2) recommend that the School reconsiders the matter. The IRP has no powers of reinstatement.

7.10 Should the recommendation of the IRP be that the school reconsider the decision and they choose not to the school will be ordered to pay £4000 to the local authority towards the costs of providing alternative provision.

7.11 All parents have the right to request that a SEN expert attends the IRP in order to provide impartial advice. This is not conditional upon the school recognising that the student has SEN.

7.12 Where parents (or excluded students aged 18 or over) allege that there is a case of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-Tier Tribunal (for disability



discrimination) or a County Court(for other forms of discrimination). These claims can be made up to 6 months after the discrimination is alleged to have occurred. Full details of how these meetings operate can be found within the DfE Guidance (2015).

<https://www.gov.uk/government/publications/school-exclusion>

## **Section 9**

### **Informing parents / carers**

9.1 Following any decision to exclude, the Head of School must inform parents / carers putting the decision to exclude in writing and stating the date the exclusion takes effect. The letter must also explain:

- ☐ The circumstances leading up to the decision to exclude;
- ☐ Why the Head of School decided to exclude the student;
- ☐ The Period of the fixed term exclusion, or for a permanent exclusion, the fact that it is permanent
- ☐ If the exclusion is for a fixed period, the letter will also state the length of the exclusion and the date and time the student should return to the school;
- ☐ If relevant, what steps were taken to try and avoid the exclusion; details of any relevant previous warnings, fixed period exclusions or other disciplinary measures taken before the present incident;
- ☐ The arrangements for enabling the student to continue his/her education, including setting and marking the student's work;
- ☐ The parents' right to see and have a copy of their child's record;
- ☐ The parents' responsibilities to ensure their child is not in a public place in school hours during the first five days of an exclusion.
- ☐ If alternative provision is being arranged then school will inform the parent within a reasonable timescale: a) The start date for any full time alternative provision b) The start and finish times of any such provision c) The address at which the provision will take place d) Any information required by the student on who they should report to on the first day.  
(if it is not possible to ascertain this information immediately it should be provided in subsequent communication to the parent and where possible at least 48 hours before the start of the provision).
- ☐ The arrangements for a parent interview at the end of the exclusion to discuss the process of reintegration.
- ☐ For Level 1 exclusions, the letter will also state that if parents are concerned about the way in which the exclusion was managed, they may write to the Discipline Committee to ask it to review the process.
- ☐ For Level 2 and Level 3 exclusions, the letter will also state the parents' right to appeal to the Independent Appeals Panel and the appropriate mechanism for that to happen.

## Section 10

### Informing the Governing Body and Local Authority

10.1 The Head of School will without delay notify the governing body and local authority of:

- ☑ A Permanent Exclusion (including where a fixed term exclusion is followed by a decision to permanently exclude)
- ☑ Exclusions that would result in a student being excluded for more than 5 school days in a term
- ☑ Exclusions which would result in the student missing a public exam or national curriculum test. For all other exclusions the Head of School will notify the local authority and governing body once a term.

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## Appendix 1

Internal Guidelines for Staff For all events that may result in exclusions, adhere to the following checklist:

- Isolate the student involved and take a statement. Make sure that the student is safe and supervised
- Take a signed and dated statement from all other parties writing statements (these should be added to the school software system, Behaviour Watch)
- Look at the statements and on the balance of evidence decide whether the matter can be dealt with internally
- If the offence requires an exclusion, speak to the Head Teacher (or in their absence the Deputy Head Teacher) and decide upon the number of days
- Check statements to go into letter
- The letter then needs to be signed by the Head Teacher before the end of the school day and sent home
- The Pastoral Manager should inform the parent/carer

- The Pastoral manager will then make a decision on how students will be sent home or collected depending on what is appropriate. If there is any danger, a senior member of staff must ensure that the student is collected by a parent/carer

**Summary of Procedures for school and Local Governing Body.**

