

Brighter Futures Academy Trust

Exclusion Policy



Name of Policy Writer/Amendments	Date Written/Amended	Next Review Date
V.Dear	November 2015	October 2016
V.Dear	October 2016	October 2017

Rationale

This policy deals with the policy and practice which informs the school's use of exclusion and needs to be used in conjunction with the school's positive behaviour management policy. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

- 1) The first is to ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed;
- 2) The second is to realise the aim of reducing the need to use exclusion as a sanction.

Introduction

The decision to exclude a pupil will be taken in the following circumstances:-

- (a) In response to a serious breach of the school's Behaviour Policy;
- (b) If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Exclusion is an extreme sanction and is only administered by the Executive Head teacher (or, in her absence of the Head of School.)

Exclusion, whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the School's Behaviour Policy:

- Verbal abuse to Staff and others
- Verbal abuse to pupils
- Physical abuse to/attack on Staff
- Physical abuse to/attack on pupils
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another pupil or a member of staff.
- Sexual abuse or assault.
- Carrying an offensive weapon.
- Arson.
- 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.

This is not an exhaustive list and there may be other situations where the EHT/HOS makes the judgment that exclusion is an appropriate sanction.

Parents may be informed in writing if their child's behaviour is causing concern which may result in exclusion. Parents will be invited to attend a meeting with the HOS and a member of the governing body where possible in order to take pre-emptive actions with parents.

Exclusion procedure

Most exclusions are of a fixed term nature and are of short duration (usually between one and three days). The DfE regulations allow the Head teacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.

Following exclusion parents are contacted immediately where possible. A letter will be sent by hand or by post giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governing Body and the LEA as directed in the letter. School will provide appropriate work and resources to complete the work for a pupil during the exclusion period; the work will be marked by staff on the pupil's return to school. A return to School meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Leadership Team and other staff where appropriate. The school day/curriculum will be adapted following an exclusion to support the positive reintegration of the pupil into school.

It is school practice to place the pupil on a behaviour chart/plan usually for one week to monitor behaviour and work.

If the fixed term exclusion is greater than five days or an accumulation of exclusions exceed five days, a Pastoral Support Plan will be drawn up in consultation with the local authority exclusions officer.

During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility, as parents/guardians.

Permanent Exclusion

The decision to exclude a pupil permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered.

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which could include racist or homophobic bullying) or repeated possession and or use of an illegal drug on School premises.
2. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a pupil for a first or 'one off' offence. These might 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 consider police involvement for any of the above offences.

* Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and wellbeing of the School.

General factors the School considers before making a decision to exclude.

- Exclusion will not be imposed **instantly** unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to exclude a pupil either permanently or for a fixed period the Head of School will:
 - Ensure appropriate investigations have been carried out.
 - Consider all the evidence available to support the allegations taking into account the Pupil Behaviour Policy, Equal Opportunity and Race Equality Policies.
- Allow the pupil to give her/his version of events.
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.

If the Head of School in consultation with the EHOS is satisfied that on the balance of probabilities the pupil did what he or she is alleged to have done, exclusion will be the outcome.

Exercise of discretion

In reaching a decision, the Head of School will always look at each case on its own merits.

In considering whether permanent exclusion is the most appropriate sanction, the EHOS/HOS will consider the following:

- The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the School's Behaviour Policy and
- The effect that the pupil remaining in the School would have on the education and welfare of other pupils and staff.
- That permanent exclusion is a last resort and only be considered where there has been a serious breach or persistent breach of the school behaviour policy and if the child was to remain in school this would cause serious harm to the education or welfare of themselves or others.
- The decision to exclude for any period must be lawful, reasonable and fair.
- If a Child is a Child Looked After (CLA) then the Virtual School Head will be needs kept informed throughout the exclusion process, and likewise if the child is either CLA or on a Child Protection Plan then the Lead Social Worker (SW) will be kept informed.
- Disruptive behaviour can be an indication of unmet needs, thus schools will give consideration to a multi-agency assessment that goes beyond educational needs, if this is a persistent problem.
- Excluded pupils will be enabled and encouraged to participate at all stages of the exclusion process, relevant to their age and understanding.
- 'Consideration will be given to children who present with additional needs, and the EHOS /HOS will, as far as possible, avoid excluding permanently any pupil who presents with additional needs, such as Special Educational Needs (SEN) or Children Looked After (CLA).
- Schools will engage proactively with parents, foster carers, children's homes and the local authority in supporting the behaviour of pupils with additional needs.
- The EHOS/HOS must inform the governing body and local authority if a child is permanently excluded or if exclusions result in more than five school days (or ten lunchtimes) in a term or if a period of exclusion will mean that they miss a public examination or national curriculum test.
- All fixed term exclusions will be reported to the governing body and local authority once a term.

Lunchtime Exclusion

Pupils whose behaviour at lunchtime is disruptive may be excluded from the School premises for the duration of the lunchtime period. Lunchtime exclusions must follow the same exclusion process and count as half day exclusions. They will be treated as fixed term exclusion and parents will have the same right to gain information and to appeal.

Recording Exclusions;

- 'Informal' or 'Unofficial' exclusions are unlawful regardless of whether they occur with the agreement of parents/carers – all exclusions must be formally recorded and reported to Governors. Only the HOS in consultation with the EHOS has the authority to exclude and this must be on disciplinary grounds.
- If a child has fixed term exclusion the correct codes will be used on the register; Code E whilst not attending any provision, then Code B (educated off-site) or Code D (dual-registration) once

attending alternative provision. It is the school's responsibility to ensure that the alternative provision provides the adequate number of hours.

- If a pupil lives in a different authority to that of the school they attend, the EHOS/HOS must inform the 'home authority' without delay if a child is permanently excluded.

Informing Parents

- Once the decision has been made to exclude a pupil, parents/carers are informed immediately. Pupils who are excluded will be collected by parents/carers and must not be allowed to leave the school site until this happens, or an appropriate alternative is agreed. When sending written confirmation of exclusion to parents/carers, consideration will be given to ensure that this information is clear and easily understood. Where English is not the first language, a translated letter will be considered
- If a pupil lives in a different authority to that of the school they attend, the EHOS/HOS will inform the 'home authority' without delay if a child is permanently excluded.
- If parents wish to make representation to the governing body and an independent panel is used, consideration will be given to including a SEND Expert, even if the child has no identified Special Educational Needs
- Please refer to the exclusion flowchart Appendix 1 for an overview of the process

Behaviour Outside School

Pupils' behaviour outside school on school "business" for example school trips and journeys, away school sports fixtures or a work experience placement is subject to the school's Positive Behaviour Management Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in school. For behaviour outside school but not on school business this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole. If pupils' behaviour in the immediate vicinity of the school or on a journey to and from school is poor and meets the school criteria for exclusion then the EHOS/HOS may decide to exclude the pupil.

Dissemination and Review

This policy, once approved by the Governing Body, will be reviewed annually. The policy will be available to parents on the school website and hard copies can be requested from the school office.

This policy needs to be read in conjunction with the school's policies on Inclusion, PSHCE, Positive Behaviour, Anti-Bullying, Physical Restraint and the Single Equality Scheme.

Appendix 1 Flowchart at point of Exclusion

Serious Incident/Breach of School Behaviour Policy



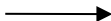
Investigation of Incident



Student given opportunity to give their version of events



Recommendation of Exclusion discussed (based on Civil Standard of Proof 'balance of probability')



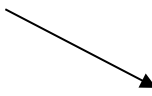
Student given opportunity to respond



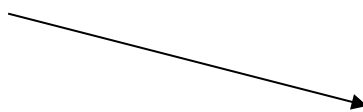
HOS/EHOS makes decision to exclude



Student informed



Parents/Carers informed without delay



Virtual School Head informed if Child Looked After (CLA) & Lead Social Worker if child CLA or on CP Plan (CP)



Student taken to safe and in school until Parents/Carers collect

supervised



Virtual School Head informed place of arrangements if CLA and Lead SW if CLA or CP



If student absconds – Parents/Carers and Police Contacted immediately
*Virtual School Head informed if CLA & Lead SW if CLA or CP

If Parents/Carers fail to collect by end of day – Emergency Contact, Police and MAST contacted
*Virtual School Head informed if CLA
Inform Parents/Carers as soon as possible:

- For first five days of exclusion parents are Legally required for child not to be in public place
- Risk of fixed penalty notice or prosecution if Child is in public place without reasonable justification
- NO LATER THAN 48 HOURS BEFORE:
- Start date of any alternative provision of full-time education (from 6th day)
- Start and Finish times
- Address

Parents/Carer collect



Followed up by written Exclusion Letter to Parents/Carers which includes:

- Reason for exclusion
- Period of time exclusion is for
- Right to make representation to governing body
- *Copy to Virtual School Head if CLA



& Lead SW if CLA or CP