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The person responsible for monitoring this policy statement and monitoring and evaluating its implementation is:	Mr M McCann - Head teacher

## EXCLUSIONS POLICY

### Background Information

The school's Exclusions policy operates in conjunction with other policies including those for, Behaviour, 'e-Safety' and Safeguarding.

### Rationale

This policy deals with the policy and practice which informs the school's use of exclusion. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

- Ensure the safeguarding, 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;
- Reduce the need to use exclusion as a sanction.

An Exclusion, within this document may be one of three types:

- **Internal Exclusion** (when a student is excluded from normal lessons, but remains within the school)
- **Fixed-Term Exclusion** (when a student is excluded from school and either sent home or access alternative provision after a risk assessment)
- **Permanent Exclusion** (where steps are taken to permanently remove the student from the school).

### Aims

#### Introduction

Exclusion is an extreme sanction and will be avoided wherever possible. In writing this policy regard has been paid to the *Code of Practice, Exclusion from mainstream schools, Academies and pupil referral units in England* document and *The Disability and Discrimination Act*.

With regard to the above, the decision to recommend a student for a fixed-term or permanent exclusion will be taken in the following circumstances:

- In response to a serious breach of the school's Behaviour Policy, beyond that which would result in an internal exclusion.
- If allowing the student to remain in school would seriously harm the education or increase the risk to the welfare of the student or others in the school.

Please note, that before a permanent exclusion is considered, a 'Managed Move' may be resorted to, if appropriate.

### Responsibility for Exclusion

An exclusion is only administered by the Headteacher (or, in the absence of the Head, a Deputy Head who is acting in that role).

### Causes for Exclusion

Exclusion, whether internal, 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:

- Actions which put the student or others in danger.
- Verbal abuse to staff and others
- Verbal abuse to students
- Physical abuse to/attack on students
- Physical abuse to/attack on staff
- Indecent behaviour
- Damage to property
- Deliberate discharging of Fire Alarms
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson
- Unacceptable behaviour which has previously been reported and for which school sanctions and other support interventions have not been successful in modifying the student's behaviour

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

## **Exclusion procedures**

### Internal Exclusion

An Internal Exclusion will be implemented for a misdemeanour of sufficient seriousness as to warrant a student being removed from lessons, but not so serious as to warrant removal from school. All efforts will be made to keep the student in school, so as to support his/her education and it will only be in the most severe circumstances (or a repeat of earlier offences) that will lead to Fixed-Term or Permanent Exclusions.

### Procedure

Referral to a Quiet Study Area: Students referred to a quiet study area will be set work, with a priority on English, Maths and Science. They will take their break or lunchtime separately from the school community. They will be supported in their study by a Teaching Assistant and supervised by their tutor and or Key Stage manager.

Opportunity will be provided to review the incident(s) talk with the student and assess whether additional support strategies / adjustments are appropriate. Parents will be informed of the reasons

for the exclusion and schools response. Where appropriate an interim / emergency annual review may be called. A Risk Assessment and Behaviour Management Plan will be written/reviewed.

The length of time a student works in the quiet study area will depend on individual circumstances. Schools objective is to re-establish the student back in class once current support and strategies have been reviewed / actioned followed by a re-integration interview.

### Fixed-Term Exclusion

A Fixed Term Exclusion is of short duration and may be necessary if a student makes behaviour decisions which are considered so serious, that it would not be appropriate to place him/her in a quiet study area. In the case of Fixed-Term Exclusions, the Department for Education allows the Headteacher to exclude a student for one or more fixed periods not exceeding 45 school days in any one school year.

Students on fixed term exclusion will not be allowed to attend school, or be in the vicinity of school for the term of their exclusion. Under current legislation, parents/carers are obliged to take responsibility for their child if s/he is excluded and ensure that they are not in a public place without good reason during school hours within the first five school days of any exclusion. If they do not, the school or local authority may issue a penalty sanction.

Parents/carers must also ensure that their child attends the suitable full time education provided by the governing body or the local authority from the sixth day of exclusion where a risk assessment deems this to be an appropriate environment.

School will send work home for students who are excluded, which will be marked.

School will inform parents/carers immediately by phone call when the decision has been taken to 'Fixed-term Exclude' a student. This will be followed, subsequently by a letter in which the terms of the Exclusion are set out, together with the time and date of the re-integration meeting.

Parents/carers are also informed that they have a right to make representations to the Headteacher if they wish to challenge the terms of the exclusion.

School at all times will maintain contact with and support parents with the arrangements described above. Reasonable adjustments will be considered on a case by case basis where a fixed term exclusion, involving sending a student home, will place the family unit and the student at risk.

### Managed Move

A 'Managed Move' may be resorted to in order to avoid danger of permanent exclusion. It may be used as the culmination of behaviour interventions, when no other has succeeded or, in exceptional circumstances, for a serious 'one off' incident.

'Managed Moves' are arranged via the SEN Team of the Local Authority commissioning a place at school during an interim/emergency annual review.

Discussion around a managed move takes place between the student, parents, a representative from the school and the Commissioning Local Authority at the interim / emergency annual review.

At the interim review, student details will be shared . Depending on the seriousness of the referral there may be one of three outcomes:

- Referral for additional staffing support,
- Managed Move to another provision,
- Additional Fixed Term/Permanent exclusion.

### Exclusions Procedure (Permanent Exclusion)

The decision to exclude a student permanently is a serious one and will never be taken lightly. In doing so, school and the governing board recognises that a permanent exclusion may have a serious impact upon a student's life chances. In addition, Permanent Exclusion will not be sought, unless there is an immediate threat to the safety of others in the school or the student concerned.

There are two main types of situation in which permanent exclusion may be considered.

1. A final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies (including 'Managed Move'). It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and high risk behaviour choices including bullying, physical/verbal assault, damage to property, significant risk to the health, well-being and safeguarding of other students and staff, or repeated possession and/or use of an illegal drug on School premises.
2. Where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a student for a first or 'one off' offence.

These might include:

- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson

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 them for such use by them."

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline, good order and well-being of the School.

Before deciding whether to exclude a student either permanently or for a fixed period the Headteacher will ensure that:

- Appropriate investigations have been carried out.
- All evidence available to support the allegations have been collated, taking into account the school's Behaviour Policies.
- The student has been allowed to give her/his version of events.
- There is no evidence which may indicate that the incident may have been provoked for example by bullying or by racial or sexual harassment.

If the Headteacher is satisfied that, on the balance of probabilities, the student did what he or she is alleged to have done, exclusion will be the outcome.

#### Exercise of discretion

In reaching a decision on fixed term or permanent exclusion, the Headteacher will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider:

- The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Behaviour Policy.
- The effect that the student remaining in the school would have on the education, safeguarding and welfare of other students and staff. Nonetheless, in the case of a student found in possession of an offensive weapon, whether there is an intention to use it or not, it is the school's usual policy in this particularly serious matter to issue a permanent exclusion and possibly involve the Police. In

line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors Exclusion Panel when it meets to consider the Headteacher's decision to permanently exclude. This Committee will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the student's school record, witness statements and the strategies used by the school to support the student prior to permanent exclusion.

- The school will inform parents immediately by phone call when the decision has been taken to seek 'Permanent Exclusion' for a student. This will be followed, subsequently by a letter in which the terms of the Exclusion are set out.
- Parents/Carers are also informed of their rights regarding an appeal of the terms of the exclusion (see below)

School recognises that all students at Greenbank have a special educational need and disability (SEND) and so have the right to request the presence of a SEND expert at an independent review panel. The SEND expert's role is to provide impartial advice to the panel about how SEND could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the student.

#### Appealing a Permanent Exclusion

Where parents dispute the decision of a governing board not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation 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).

An independent review panel does not have the power to direct a governing board to reinstate an excluded pupil. However, where a panel decides that a governing board's decision is flawed when considered in the light of the principles applicable on an application for judicial review it can direct a governing board to reconsider its decision. If the governing board does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision. Where parents request access to their child's school file, this request must be confirmed in writing to the chair of governors as a 'subject access request'. School will provide an anonymised file where reference to other students is removed within 40 calendar days. There will be a flat rate fee for meeting this request that reflects the administration time and school resources used.

#### Alternatives to Permanent Exclusion

As described earlier in this document, alternative strategies to permanent exclusion are always used if possible and the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

#### Behaviour outside school

Student behaviour outside school on school "business" for example trips, travelling to and from school, away school sports fixtures or a work experience placement is subject to the school's Behaviour Policy. Challenging behaviour in these circumstances will be dealt with as if it had taken place in school. Serious infringements of the school's Behaviour Policy that occur 'outside of' the school may lead to a fixed term or permanent exclusion.

### Drug related exclusions

In making a decision on whether or not to exclude for a drug-related offence the Headteacher will have regard to the school's published policy on drugs and will also seek advice from the Local Authority's Drugs Education Advisor. The decision will depend on the precise circumstances of the case and the evidence available. In some cases fixed term exclusion will be more appropriate than permanent exclusion. The Headteacher will make a judgment set against the criteria in the school's Drug, Alcohol and Substance Misuse Policy.

### Review of Exclusions

The Senior Management Team (SMT) review all permanent exclusions from the school and all fixed term exclusions that would lead to a student being excluded for over 15 days in a school term or missing a public examination.

The Senior Management Team review fixed term exclusions which would lead to a student being excluded for over five days but not over 15 days in a school term where a parent/carer has expressed a wish to make representations.

### **Re-admission Meetings and re-integration**

Following a Fixed-Term Exclusion, parents/carers are invited into school to attend a re-integration meeting. Under current legislation, parents/carers are expected to attend a re-integration interview following any fixed period exclusion of more than five days. Failure to attend may make it more likely that the court will impose a parenting order if the school or local authority apply for one.

At the meeting, the student will be set specific goals in order to help him/her avoid the behaviour that led to exclusion.