Southerly Point Co-operative Multi-Academy Trust

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EXCLUSIONS POLICY

Equality Impact Assessment

The EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.*	✓
The EIA has not identified any conflict with the Trust's co-operative values and the Church Schools' values.	✓
Adjust the policy to remove barriers identified by the EIA or better promote equality.	✓

*Inclusive of protected characteristics

Provenance	**Date**
Working Party	**Jan 2018**
HR checks	
Union Consultation	**Feb 2018**
Trustees' Ratification	**Mar 2018**
Implementation	**May 2018**

Review Date
April 2021

To be read in conjunction with:	**Behaviour Policy**

Southerly Point Co-operative Multi-Academy Trust
EXCLUSIONS POLICY

1. Exclusion

The Headteacher (or, in the absence of the Head, the Deputy who is acting in that role) decides whether to exclude a pupil, for a fixed term or permanently, taking into account all the circumstances of the evidence available and the need to balance the interests of the pupil against those of the whole school community. All decisions are made on the balance of probability.

Exclusion may be used for any of the following, all of which constitute examples of unacceptable conduct and are infringements of the school's behaviour rules:

- Verbal abuse to Staff and others
- Verbal abuse to pupils
- Physical abuse to/attack on Staff
- Physical abuse to/attack on pupils
- Indecent behaviour
- Repeated bullying and harassment against another pupil or member of staff
- Damage to property
- Misuse of illegal or NPS (new psychoactive substances) drugs
- Supplying illegal, NPS, or prescription drugs
- Misuse of other substances
- Misuse of ICT
- Theft
- Serious actual or threatened violence against another pupil or a member of staff.
- Sexual abuse or assault
- Carrying an offensive weapon
- Arson
- Racist or homophobic behaviour
- Unacceptable behaviour which has previously been reported and for which School sanctions and other interventions have not been successful in modifying the behaviour of the pupil.

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

2. Exclusion Procedure

Most exclusion is of a fixed term nature and is of short duration (usually between one and five days). If the pupil is excluded over a lunchtime period this is classed as a half day exclusion. The headteacher's duties in these situations are the same as for other exclusions. The Department of Education (DfE) regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.

See Annex A of the Exclusions Guidance 2017 for ways to ask for a review of fixed term exclusions.

Following exclusion, parents are contacted on the same day by telephone or text. A letter will be sent by first class post giving details of the exclusion and the date the exclusion ends.

It is school practice to have a re-admission meeting following the expiry of the fixed term exclusion with the parents, pupil and an SLT member. The purpose of the re-admission meeting is to review the reason for the fixed term exclusion, discuss how to modify behaviour, offer support and, where it is deemed necessary, a Pupil Support Plan will be drawn up. This might include a period in a Learning

Support area used as a means to reintegrate a pupil who has served a fixed term exclusion. If parents fail to attend, the meeting will progress without them and their absence will be noted.

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/carers. The school will provide work for the pupil to complete at home for the first five days only.

3. 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:

- In response to a serious breach
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

4. General factors the school considers before making a decision to exclude

The decision to exclude a pupil must be lawful, reasonable and fair

- Lawful: operating within the scope of the legal powers in deciding to permanently exclude the child.
- Reasonable: not relying on irrelevant points or failing to take account of all relevant points, or making a decision so unreasonable that no governing board acting reasonably in such circumstances could have made it.
- Procedural impropriety – has the procedure been so unfair or flawed that justice was clearly not done?

Exclusion may 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 school will ensure that it has acted lawfully, reasonably and fairly by means of the following actions:

- Ensure appropriate investigations have been carried out.
- Consider all the evidence available to support the allegations, including witness statements.
- Take into account Equality and Diversity issues.
- Allow the pupil to give her/his version of events if appropriate.
- Check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment.
- Ensure that, where witness or staff statements are collected, these are signed, dated and collated. The school may produce anonymous statements if it felts others need to be safeguarded

If the school 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.

Nonetheless, in the case of a pupil 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.

In line with its statutory duty, these same tests of appropriateness will form the basis of the deliberations of the Governing Board's Pupil Discipline Committee, when it meets to consider the headteacher's decision to exclude. This Committee will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the pupil's school record, witness statements, including a statement from the pupil themselves, if appropriate, and the strategies used by the school to support the pupil prior to exclusion and the relevant policies.

The meeting must be conducted in line with statutory guidance.

5. Informing Parents

Parents/carers will be informed by the end of the day the decision was made to exclude their child by telephone or text. All attempts will be made to inform them by telephone but, if unsuccessful in contacting the parents, then a message will be left asking the parents to make contact with the school. An exclusion letter will be sent first class at the point of exclusion. Parents will be notified of the period of the exclusion and the reasons for it.

The school will 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;
- parents' right to make representations about the exclusion to the Governing Board and how the pupil may be involved in this;
- how any representations and appeals should be made; and
- where there is a legal requirement for the Governing Board to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend. If the parent/carer is being represented or bringing a friend to the meeting, they must inform the Clerk to the Governing Board in advance of the meeting.

The exclusion letter will be posted directly to the parents, and to any non-resident parent with Parental Responsibility, at the address held on SIMS.

6. Parents Responsibility regarding their child's behaviour

Parents of an excluded child must take responsibility for their child and ensure that they are not in a public place without parental supervision during school hours within the first five school days of any exclusion. Parents might be prosecuted if their child is found in a public place without their supervision.

Parents must also ensure that their child attends full time education provided by Local Authority from the sixth day of exclusion. If they do not, the school or Local Authority may ask them to sign a parenting contract. (See Cornwall Council website: Parenting Contract)

7. Offering Support

Our schools are inclusive and use a range of support measures to help to prevent pupils displaying unacceptable behaviours. These may include:

- Providing a mentor
- Counselling
- Issuing a support card
- Referral to the SENCO (Special Education Needs Coordinator)
- Referral to Pastoral Support Assistance
- Creating a personal support plan
- Time in a Learning Support Provision
- Referral to outside agencies (e.g. EWO, Locality Team, Careers South West, Health and CAMHS)

8. Managed Moves

We recognise that there are occasions when it would be appropriate to manage a transfer of a pupil from one maintained school/academy to another and that this can be in the best interests of the pupil and of the schools. The term 'managed move' means to place a pupil in a new school in an attempt to achieve one or more of the following:

1. Placing the pupil in a school which suits the individual needs of that pupil.
2. Providing a second chance to a pupil in who is having difficulty with behaviour issues and a move to a new school is likely to have a positive response.
3. Finding a new school for a pupil who is vulnerable or at risk in the original school.
4. To avoid the need to permanently exclude.

The managed move would involve the school approaching another school requesting if they would be willing to accept a pupil. There is a six week trial and, if the managed move is successful after that trial period, the pupil will then be fully enrolled in to the new school. A managed move can only take place with the agreement of all parties and parents cannot be informed that if they do not agree then the pupil could be excluded.

9. Education off Site

It may be decided by the school to educate a pupil in an Alternative Provision Academy (APA). The decision to place a pupil in APA may occur as a result of; a managed move was unsuccessful; to avoid a permanent exclusion: that all other support and intervention programmes were unsuccessful in modifying the pupil's behaviour.

The pupil will be placed at APA for a fixed period with a review to return the pupil to school. If, at the review, the pupil is not ready to return to school, the fixed period may be extended. If the pupil fails his/her placement at APA, then the school may decide on permanent exclusion in line with the lawful reasons for permanent exclusions.

When a pupil is reintegrated back to school from an APA, a meeting will be held with the parents and pupil and a Return to School Plan and Behaviour Contract will be written. The plan will include actions for the pupil to complete and what support the school will offer. The plan will be reviewed after a six week period. If a pupil fails to honour the plan or contract, the pupil may be permanently excluded in line with the lawful reasons for permanent exclusions.

10. Safeguarding

An exclusion will not be enforced if doing so may put the safety of the pupil at risk. In cases where parents will not comply, for example, refusing to collect the child, 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, or, in more severe circumstances the school may contact social services and/or the Police to safely take pupils off site.

11. Behaviour Outside School

Pupil's behaviour outside school on school business (e.g. on school trips, at sports events, or on the journey to and from school) is subject to the school's behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school; and additionally this includes any serious breach of policy which could 'bring the school into disrepute'.

12. Converting Fixed Term Exclusion to a Permanent Exclusion or Extending a Fixed Term Exclusion

The law does not allow for extending a fixed period of exclusion or converting a fixed period into a permanent exclusion. In exceptional cases, usually when further evidence has come to light, a further fixed term period exclusion may be issued, to begin immediately after the first period ends, or a permanent exclusion may be issued to begin immediately after the fixed term ends.

13. Further Guidance

For further guidance please refer to: Exclusions from maintained school, academies and pupil referral units in England (Statutory guidance for those with legal responsibilities in relation to exclusion September 2017) https://www.gov.uk/.../file/.../20170831_Exclusion_Stat_guidance_Web_version.pdf