



Policy for Exclusion

Reviewed January 2018

By: Team for Personal Behaviour, Development and Welfare

Agreed: Governors meeting – 17th January 2018

Next review date: 17th January 2020

Exclusion of Pupils – Taken from Kent Trust Web

Section 52 of the Education Act 2002 and Regulations made under the Act, namely the Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002: SI 2002/3178 govern the exclusion of pupils from maintained schools. 'Exclude' means exclude on disciplinary grounds. Head teachers, teachers in charge of a Pupil Referral Unit (PRU), governing bodies, local authorities (LAs) and Independent Appeal Panels (IAPs) must by law have regard to this guidance when making decisions on exclusions and administering the exclusion procedure. Although the Act defines 'exclude' as meaning simply exclude on disciplinary grounds (without specifying any degree of seriousness), the DCSF guidance states that exclusion is a serious step. Exclusion should only be used in response to serious breaches of the school's discipline policy

Rationale

This policy, is underpinned by the shared commitment of all members of the School communities to achieve two important aims:

- 1) The first is to ensure the safety and well-being of all members of the School communities, 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 student will be taken in the following circumstances:-

- (a) In response to a serious breach of the Behaviour Policy
- (b) If allowing the student to remain in School would seriously harm the education or welfare of the student or others in the School.

Exclusion is an extreme sanction and is only administered by the Headteacher.

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 Behaviour Policy:

- Serious verbal abuse to Staff and others
- .. Serious verbal abuse to students
- .. Physical abuse to/attack on Staff
- .. Physical abuse to/attack on students
- .. Indecent behaviour

- .. Damage to property
- .. 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 interventions have not been successful in modifying the children'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 procedure

Most exclusions are of a fixed term nature and are of short duration (first offence 1 day, increasing to 2 up to 5 when other agencies are involved) The Governors have established arrangements to review promptly 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 i.e. SATs

The Governors have established arrangements to 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 has expressed a wish to make representations.

Following exclusion parents are contacted immediately where possible. A letter will be sent 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.

A return to School meeting will be held following the expiry of the fixed term exclusion and this will involve the Head teacher and other staff where appropriate.

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

Permanent Exclusion

The decision to exclude a child 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

would 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 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.

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 well being 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 student concerned. Before deciding whether to exclude a student either permanently or for a fixed period the Head will:

- Ensure appropriate investigations have been carried out.
- Consider all the evidence available to support the allegations taking into account the Behaviour, Equal Opportunity and Race Equality Policies.
- Allow the child to give her/his version of events.
- Check whether the incident may have been provoked.

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

Exercise of discretion

In reaching a decision, the Head 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 Head will consider

- a) the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Behaviour policy
- b) the effect that the child remaining in the School would have on the education 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 Schools usual policy in this particularly serious matter to issue a permanent exclusion.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors' 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 child's School record, witness statements and the strategies used by the School to support the child prior to exclusion.

Alternatives to Exclusion

Alternative strategies to exclusion are included in the Behaviour Policy. The School works closely with other schools to undertake managed moves where such a course of action would be of benefit both to the student and the two schools concerned. However, the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

Lunchtime Exclusion

Students whose behaviour at lunchtime is disruptive may be excluded from the School premises for the duration of the lunchtime period. This will be treated as fixed term exclusion and parents will have the same right to gain information and to appeal.

Behaviour Outside School

Childrens' behaviour outside School on school "business" for example school trips and journeys, away school sports fixtures is subject to the Behaviour Policy. Bad 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 child's 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 Head may decide to exclude.

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 Schools published policy on drugs and will also seek advice from the LEA'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 Head will make a judgment set against the criteria in the schools Drugs Policy.