

Silverdale School

Exclusion Policy

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This document is designed to provide staff guidance, expectations and standards operated in the trust/ school. It is intended as a reference document to enhance and support existing key policies and procedures for the safe and effective running of the trust school sites. If staff are unclear what is expected of them they should speak to their line manager. Failure to adhere to the trust's key policies and procedures may lead to disciplinary action.

All trust staff (including supply staff) are accountable for the way in which they exercise authority, their professional judgement, manage risks, use resources and protect pupils, themselves and others from avoidable harm.

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Exclusion Policy Statement

Our Exclusion Policy is outlined below. It is endorsed by the Local Governing Body (LGB), who accept full responsibility for these issues, and require all employees to help in complying with our legal and moral duties. The LGB accept the delegated overall responsibility for all operational matters within the organisation.

This Policy explains the process for fixed term and permanent exclusion from Silverdale School, internal seclusion and reintegration Procedures

This Policy applies to Silverdale School.

It is the policy of the LGB to ensure, so far as is reasonably practicable, that all fixed term and permanent exclusion follow the processes as outlined in this policy and are fair and transparent

In meeting this commitment we will, so far as is reasonably practicable:

- Review all decisions by the Head of Silverdale School to exclude
- Ensure pupils are not discriminated against in this process on the basis of belonging to a minority group as listed under point 9 of the 'Exclusion from School' section.
- Ensure the fair treatment of students from groups who are vulnerable to exclusion.
- Require Senior Leaders to share information on exclusions at Safeguarding and Inclusion Governors Meetings
- Periodically review the Exclusion Policy in conjunction with other associated policies.

Signed:

Date:

Jon Mordecai, Chair of the Local Governing Body

Rationale

Definition

The Exclusion Policy is a system that helps the people that implement it to

- Protect the students and staff.
- Encourage and promote what is acceptable.
- Enforce an exclusion in line with Government Guidance.

Aim

The policy will enable the appropriate staff to ensure that an exclusion is only given for a serious incident and that the process leading to the exclusion is thorough, lawful, reasonable and fair in accordance with the DfE Guidance September 2017.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Ownership

This policy has been developed working with staff, governors and in accordance with the updated DfE guidance September 2017.

Exclusion Procedures and Process

Exclusion from School

1. Only the Head Teacher of Silverdale School can exclude a pupil and this must be on disciplinary grounds. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed-period exclusion does not have to be for a continuous period.
2. A fixed-period exclusion can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be excluded from the school premises for the duration of the lunchtime period. The legal requirements relating to exclusion, such as the head teacher's duty to notify parents, apply in all cases. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing board meeting is triggered.
3. The law does not allow for extending a fixed-period exclusion or 'converting' a fixed-period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-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 end of the fixed period.
4. The behaviour of a pupil outside school can be considered grounds for an exclusion. (The type of behaviour can be found on p.7 of this document)
5. The Head Teacher of Silverdale School may withdraw an exclusion that has not been reviewed by the Local Governing Body.
6. Any decision of a school, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); rational; reasonable; fair; and proportionate.
7. The Head Teacher of Silverdale School must take account of their legal duty of care when sending a pupil home following an exclusion.
8. When establishing the facts in relation to an exclusion decision the Head Teacher of Silverdale School must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the head teacher should accept that something happened if it is more likely that it happened than that it did not happen.
9. Under the Equality Act 2010 (the Equality Act), schools must not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices and the provision of auxiliary aids.
10. In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act;
 - advance equality of opportunity between people who share a protected characteristic and people who do not; and
 - foster good relations between people who share a protected characteristic and people who do not share it.
11. These duties need to be complied with when deciding whether to exclude a pupil. Schools must also ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Provisions within the Equality Act allow schools to take positive action to deal with particular disadvantages, needs, or low participation affecting one group, where this can be shown to be a proportionate way of dealing with such issues.
12. The Head Teacher of Silverdale School and Local Governing Body must comply with their statutory duties in relation to SEN when administering the exclusion process. This includes having regard to the SEND Code of Practice. *The head teacher should, as far as possible, avoid permanently excluding any pupil with an EHC plan or a looked after child.*
13. It is unlawful to exclude for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a pupil's parents; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting. However, a pupil who repeatedly disobeys their teachers' academic instructions could, be subject to exclusion.
14. 'Informal' or 'unofficial' exclusions, such as sending a pupil home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded.
15. Maintained schools have the power to direct a pupil off-site for education to improve their behaviour. A pupil at any type of school can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents and the admission authority of the school. However, the threat of exclusion must never be used to influence parents to remove their child from the school.
16. A decision to **permanently exclude** a student from school will be taken if:
- there is a serious breach, or persistent breach of the school's behaviour policy; and
 - where allowing the student to remain in school would seriously harm the education or safety of the student or others within the school.
17. The decision on whether to exclude is for the Head Teacher of Silverdale School to take. However, where practical, the Head Teacher of Silverdale School should give the pupil an opportunity to present their case before taking the decision to exclude.

18. Whilst an exclusion may still be an appropriate sanction, the Head Teacher of Silverdale School should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that the pupil has suffered bereavement, has mental health issues or has been subject to bullying.
19. Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. The Head Teacher of Silverdale School should also consider the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour. Such assessments may pick up unidentified SEN but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.
20. Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed-period exclusion in an academic year, the Head of Silverdale School should consider whether exclusion is providing an effective sanction.

Time of Exclusion

For the first 5 school days of an exclusion, it's the parent's responsibility to make sure the young person isn't in a **public place** during normal school hours unless there is a good reason.

If a student has been excluded for a fixed period, **schools should set and mark work** for the first 5 school days.

If the exclusion is **longer than 5 school days**, Silverdale will arrange suitable full-time education from the sixth school day, e.g. at an alternative educational setting.

Excludable Behaviours

A student may be given a fixed term or permanent exclusion for any of the following:

- Drug or alcohol related behaviour, including possession (See Alcohol, Drugs and Tobacco policy 2017-18).
- Damage to property (school or other) including vandalism and arson.
- Criminal activity.
- Persistent bullying of another student or students.
- Persistent defiant behaviour.
- Persistent disruption to the life of the school.
- Physical assault against staff, student or member of the public.
- Racism, homophobia, transphobia, disability discrimination aimed at staff, student or member of the public.
- Sexually inappropriate language or behaviour aimed at staff, student or member of the public.

- Theft.
- Use of weapons (including carrying, using or threatening the use of).
- Unacceptable use of technology (including online bullying).
- Verbal abuse (including swearing) or threatening behaviour, including aggression and intimidation towards staff, students or member of the public.
- Any other behaviour that seriously harms or risks the education and safety of the student or others.

Internal Exclusion (Seclusion)

Students may be given an Internal Exclusion (Seclusion) for a breach of the school behaviour policy (see Behaviour for Learning Policy) as a means to try and alter their behaviour and ensure they don't repeat an offence. Parents will be notified of this.

Students are expected to observe the displayed protocols whilst in Seclusion and if a student refuses to follow instructions whilst in Seclusion could be excluded from school.

Students at risk of exclusion (fixed term or permanent) will be referred to the Referral Panel for further support and intervention.

Students at risk of permanent exclusion will be placed on a Pastoral Support Plan (PSP) where parents, the student and key members of staff will work together on strategies to improve behaviour through agreed targets and regular meetings.

Reintegration Procedures

Any exclusion will be followed by a reintegration meeting to discuss the events leading to the exclusion. Parents and carers are expected to attend this meeting prior to the student re-joining normal lessons. In exceptional circumstances, this meeting can take place at home when parents are unable to come into school.

A plan of support will be put in place to reduce the risk of any further exclusions from school.

Suggestions about appropriate referrals to specialist services (i.e. GP, CAMHS, Ryegate, CYT, EP or MAST) will be discussed with Parents / Carers to ensure any assessment of need or specialist support is put in place as soon as possible.

At the reintegration meeting, a member of SLT may make a recommendation for a managed move request or PSP (Pastoral Support Plan) to be put in place. This should take place if there have been previous fixed term exclusions or the seriousness of the incident puts the student at risk of further exclusion or at risk of permanent exclusion.

Any agreed actions will be discussed at Referral Panel and support allocated to the relevant member of staff.

Students who have been excluded from school will be placed on a report card for 2 weeks so Key Stage leaders can monitor their behaviour.

The reintegration process will be reviewed by the Key Stage leader after 10 school days.

A post exclusion briefing meeting may be called by a member of SLT to review the incident. This is a session for staff only but the views of the student and parent will be taken into account.

The school has working partnerships with the Local Authority and various other agencies to help support pupils following exclusions. The school also has partnerships to enable managed moves through the Fair Access Panel.

The school has an agreement with the Local Authority to accept pupils from the Fair Access Panel. These are pupils who have been permanently excluded from other schools.

Challenging an Exclusion

Parents have the right to challenge the decision to exclude, details of which are provided in the letter sent to parents when the decision to exclude has been made.

Local Governing Body

The Governing Body or a nominated sub-committee of the body are statutorily required to review the Head of School's decision to exclude when:

- An exclusion will result in a student missing an examination
- A permanent exclusion is issued
- An exclusion takes the student's total days of exclusion above 15 in a term
- When a student has been excluded for more than 5 days
- If the exclusion is for 5 days or fewer, you can still ask the governors to hear your views but they can't overturn the Head Teacher of Silverdale School's decision.

Full details and scheduling of these meetings can be found in the DfE Guidance September 2017:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Discrimination and Complaints

Parents can make a claim to a court or a tribunal if you think your child's been discriminated against. You need to do this within 6 months of the exclusion.

Parents can contact the Equality Advisory Support Service for help and advice.