



# Underley Garden

## Exclusion Policy

Created:	July 2012
Reviewed:	September 2020
To be reviewed:	September 2021

## **Introduction**

This policy supports Underley Garden's ethos to strive to provide a caring, structured learning environment in which all Young People can develop academically, socially and emotionally, to their full potential, and in which Children and Young People (C&YP) and staff feel safe, secure and valued. This policy has been written following the DfE's latest guidance 'Exclusion from maintained school, academies and pupil referral units in England' which was effective from 1<sup>st</sup> September 2017 in addition to The Equality Act 2010 and the SEND Code of Practice 2014.

This policy recognises that it is the Principal's responsibility to:

- Promote good behaviour and discipline on the part of the school's C&YP
- Secure an orderly and safe environment for C&YP and staff
- Provide a safe environment for C&YP to learn

The School has policies, practices, procedures and Staff training in place that promotes good behaviour and prevent poor behaviour. The School's behaviour policies are shared and publicised with C&YP, Parents/Carers, School/Home Staff, and LA's are aware of the standards of behaviour expected of C&YP and the range of sanctions that can be imposed. The School applies its behaviour policies in a fair, consistent, rigorous and non-discriminatory way and all areas of their application are monitored routinely to satisfy legal requirements under race, disability and gender discrimination law.

This policy recognises that in order to meet these responsibilities the Principal may have to exclude C/YP, whether for a fixed term or on a permanent basis, and seeks to clarify the circumstances under which this might take place and the procedures to be followed.

## **Aim**

This policy aims to ensure that the exclusion of C&YP operates in the best interest of the C/YP and the other C&YP in the School, taking into account the range of Learning Disabilities and Difficulties, and the vulnerability they display.

## **Objectives**

The objectives of the policy are:

- To ensure a shared understanding of the exclusion of C&YP
- To identify the circumstances under which a C/YP may be excluded
- To identify the circumstances under which a C/YP will not be excluded
- To ensure a consistent approach to the exclusion of C&YP

## **Implementation**

Only the Principal or, in their absence, a designated senior member of staff acting with their authority, can exclude a C/YP from school. A decision to exclude a C/YP will only be taken:

- In response to a serious breach or breaches of the school's behaviour policy, and
- If allowing the C/YP to remain in the school would seriously harm the education and/or welfare of the C/YP or others in the school.

The School's preferred method of managing protracted difficulties, around meeting the needs of C&YP, is to work with all Stakeholders/Parents/Carers, to identify the reasons why the difficulties have arisen which caused the placement to become untenable. This process enables all parties to prepare a suitable transition plan, for moving on.

The decision to exclude a C/YP, whether for a fixed term or permanent, is a serious one. The decision to exclude on a permanent basis is extremely serious and should normally be the final step in the process when the use of a range of strategies has proved unsuccessful.

### **Permanent Exclusions :**

In excluding a C/YP permanently the school is acknowledging that it has exhausted all available strategies for dealing with that C/YP. Hence it should normally be only used as a last resort.

There are, however, circumstances where a C/YP may be permanently excluded for a first or one off offence. These include:

- Where a C/YP has committed actual or threatened violence against another C/YP or member of staff
- Sexual misconduct
- Supplying an illegal drug. *(This should take account of how far the C&YP might have been vulnerable to pressure and/or bullying from peers and/or others. However, where it is clear that drugs have been supplied for profit or repeated use has taken place on the premises then this constitutes both a serious breach of school rules and a danger to other C&YPs and as such justifies a permanent exclusion).*
- Carrying an offensive weapon

The decision to exclude either permanently or for a fixed term should be based upon:

- Evaluating the YP's capacity to understand the consequences of their actions, based on our understanding of their Learning Disabilities, Difficulties, Mental or Physical Health
- A consideration of all the relevant facts and such evidence as may be available to support the allegations made, taking into account the school's behaviour and equal opportunities policies.
- A review of the C/YP's version of events
- Checking whether the incident may have been provoked, for example by racial or sexual harassment
- A consultation with any other relevant parties

A C/YP should not be excluded for:

- Minor incidents
- Poor academic performance
- Lateness or truancy
- Pregnancy
- As a result of the behaviour of their parents, for example as a result of parental abuse or violence against members of the school community

A C/YP may be excluded for behaviour outside school if there is a clear link between the misconduct in question and the promotion of good behaviour and discipline in the part of the schools' C&YP.

Once a decision has been made to exclude a C/YP the Principal is responsible for:

- Deciding the nature of the exclusion either fixed term or permanent
- The period of any fixed term exclusion
- Informing the parents/carers, in writing, of the period of the exclusion, reasons for exclusion, any arrangements to hold a meeting regarding the exclusion – see appendix 1
- Informing the LA, in writing, of the exclusion, the period of the exclusion, reasons for exclusion, any arrangements to hold a meeting regarding the exclusion
- Informing in writing, the relevant Children's Services Department, where appropriate, of the exclusion, the period of the exclusion, reasons for exclusion, any arrangements to hold a meeting regarding the exclusion
- Making arrangements to ensure the C/YP can continue their education at home including the setting and marking of work.

The Governing Body has a duty to consider parent representations. Parents wishing to do this should contact James Joyce, Chair of Governors within 10 working days. Parents should be made aware of this in the letter of exclusion – see appendix A.

**Note:**

Where the break of school rules has led to the involvement of the police, the Principal will need to consider the period of any exclusion in terms of:

1. How far a return to school whilst investigations are ongoing could affect the effectiveness and outcomes of the investigation
2. How far a return to school either during or after ongoing investigations could affect the education of other C&YP

Where it is believed that an early return could impact on either (1) or (2) above the C/YP should remain at home with the school making arrangements for the C/YP's education to continue.

**Monitoring and evaluation**

The success of the policy will be monitored and evaluated through an annual review of the number of exclusions, their nature and the reason for their imposition.

## **Appendix A – Parental Exclusion Letter**

Dear Parent/Carer

Following our discussion earlier today I am writing to inform you of the decision to exclude your child \_\_\_\_\_ from Underley Garden School for a fixed period of \_\_\_ days. \_\_\_\_\_ must not attend school on \_\_\_\_\_. They will be expected to return on \_\_\_\_\_.

### **Rationale**

\_\_\_\_\_ has been excluded in accordance with Underley Garden's exclusion policy because of \_\_\_\_\_

I understand that the decision to sanction \_\_\_\_\_ with a fixed term exclusion for \_\_\_\_\_ days may be disappointing for you, however I can assure you that the decision has not been taken lightly. I explained that the exclusion will allow \_\_\_\_\_ the opportunity to consider his present attitude and behaviour and his future intentions. In addition to this it allows us to reflect upon information from the incident today and to help find a resolution for helping \_\_\_\_\_ communicate positively in the future.

### **Your Duties**

I have a duty to inform you of your duties, in accordance with relevant legislation. You have a duty to ensure that \_\_\_\_\_ is not present in public places during school hours during his fixed term exclusion. You may be prosecuted or presented with a penalty notice from the local authority should \_\_\_\_\_ be present in a public place without reasonable justification.

The school will set work during the fixed exclusion period and \_\_\_\_\_ will e-mail this directly to yourself.

We have agreed that his reintegration meeting will take place \_\_\_\_\_ with a view to \_\_\_\_\_ meeting with me for further reflection time when he arrives in school in order to support him to return to school in a positive manner.

### **Your Rights**

You have the right to make representation regarding the decision to exclude by requesting a meeting with the school's Chair of Governors within 10 working days. Should you wish to arrange such a meeting please contact the school office for details. Please be aware that the Chair of Governors have no power to reinstate \_\_\_\_\_ however they will consider your representations and may place a copy of the finding on your child's school record.

You also have a right to see a copy of \_\_\_\_\_ school record. Due to confidentiality restrictions you will need to notify me in writing, or via e-mail if you wish to be supplied with a copy.

Should you consider the decision to exclude related to disability discrimination you have the right to appear and make a claim to the First Tier Tribunal. Additional sources of information and support can be found at:

- ACE Education (<http://www.ace-ed.org.uk/>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10:00am to 1:00pm during term time
- The Information Advice & Support Services Network (formerly known as a the local parent partnership)
- The National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk))
- Independent Parental Special Education Advice (<https://www.ipsea.org.u>)
- You may also find it useful to contact the Children's Legal Centre. They aim to find free legal advice and information to parents on state education matters. Their contact details can be found at <http://www.childrenslegalcentre.com/>

### **Conclusion**

To confirm \_\_\_\_\_ has a \_\_\_\_\_ day fixed term exclusion from \_\_\_\_\_ and is expected to return to school on \_\_\_\_\_.

Yours sincerely

Ann Henderson

School Principal