

# **Underley Garden**

## **EXCLUSION POLICY & PROCEDURE**

**HEAD TEACHER: April Boyd**

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### 1.0 Aims

The school aims to ensure that: the exclusions process is applied fairly and consistently, is understood by governors, staff, parents and pupils, pupils in school are safe and happy and they do not become NEET (not in education, employment or training).

### 2.0 Legislation and Statutory Guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)
- Sections 64-68 of the [School Standards and Framework Act 1998](#)

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)
- The [Education and Inspections Act 2006](#); and
- [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#)
- [SEND Code of Practice 2014](#)
- [Equality Act 2010](#)

### 3.0 Who is this guide for?

- The Head of Service / Headteacher / Head of School
- The Chair of Governors and Governors
- The local authorities that place children in the care of the School
- Independent review panel members
- Parents & Families

This policy reflects the [DFE Guidance for Exclusions](#) (June 2012, plus all updates including Feb 2015).

### 4.0 The decision to exclude

Only the headteacher, or acting headteacher, can exclude a pupil from school. A permanent exclusion will be taken as a last resort. Exclusion is only considered where events are deemed serious and present a risk to pupils' safety or the safety of the site.

The School is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

*"...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."*

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others.

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked.
- Allow the pupil to give their version of events.
- Discuss the facts with the Chair of Governors who must authorise the decision to exclude and make a formal record

**Note: the involvement of the Chair of Governors enables a consistent approach to be taken across the Group of Acorn and Options Schools. Any challenge to a decision to exclude will always be reviewed by an independent person, for example a Regional Director of Education.**

### What follows gives:

- a) The main features of our own attitude and policy towards the exclusion of pupils, and
- b) The procedures we follow in case this course of action becomes necessary

## 5.0 Our Attitude

1. We are a school which caters for children who have a range of complex needs that may include social, emotional and mental health needs; autism, learning and communication difficulties with associated needs and behaviours. We accept that many of our pupils have particular behavioural difficulties. We accept our coping capacity and skills in management has to be sufficient to cope with most challenging behaviours we encounter.
2. We have many skills and resources which enable us to manage and support pupils who exhibit periods of provocation and difficult behaviours.
3. The notion of acceptance, effective management and therapeutic intervention are central to our philosophy.
4. We have always taken the stance that the pupils we accept remain with us. Their acceptance is not conditional upon 'good behaviour'. Their challenging behaviours are part of the presenting problems, which have caused their referral. We work with these behaviours in a reparative sense.
5. Many of our pupils have been excluded from mainstream schooling as a consequence of troublesome behaviour. This makes us very cautious about following a similar course of action. This pattern, for the child's sake, has to be stopped. We are not intimidated by troublesome behaviour. Pupils are not allowed to turn away from the consequences of their actions, from their growth towards personal responsibility by getting themselves excluded.
6. We work with these challenging behaviours wherever possible and to the extremes of our professional tolerance. This is the nature of our therapeutic and educational resilience as experienced practitioners. It is part of our professional obligation in working with our pupils with complex needs.
7. **Exclusion, therefore, is rarely used in our school and should always be considered as a last resort.**

## 5.1 Where Does Tolerance End?

There is no easy answer to this question. Each situation must be assessed on its own circumstances; each pupil's individual reactions and needs must be taken fully into account. We have never adopted 'standard procedures' for all pupils in these situations. We do not generalise from the particular where our pupils are concerned. Where we have concerns about the behaviour, or risk of exclusion of a pupil we will consider that additional support or alternative placement may be required. This will involve assessing the suitability of our provision against a child's SEN. We will consider requesting an annual review or interim/emergency review. There are circumstances, however, in which the only decision left to us (and sometimes the best course of action in the situation we face) is to make a decision to exclude the pupil. This policy now details some of the situations which has led to exclusions in the past (N.B. these have not always been on the basis of challenging behaviour).

## 5.2 Possible Criteria for Considering Exclusion (Permanent and Fixed Term)

1. A pupil who threatens the personal safety of other children. Attacking other children cannot be tolerated. Neither can any form of sexual abuse or drug abuse.
2. A pupil who is constantly creating serious dangers for himself and/or for others (is constantly devising, organising and implementing dangerous, destructive and/or antisocial behaviours). The deliberate and persistent 'leader' for mischief.
3. The child with a persistent and active compulsion towards arson.
4. A pupil who is a genuine threat to staff.
5. A pupil who engages in persistent and serious crime.
6. Behaviour of a pupil outside school can be considered grounds for an exclusion
7. A pupil who is unable to benefit from our therapeutic and educational style. Not all pupils can be expected to respond to our form of psychological intervention. If our psychodynamic approach is, for whatever reason, seen to be inappropriate (or producing an adverse reaction) we advise the Local Authority accordingly.
8. A pupil who becomes seriously disaffected. We expect our children to know, accept and support our values and standards. If a child totally rejects the school, the other pupils and the staff, we do not persist with this placement.

A decision to permanently exclude a pupil will only be taken:

- In response to a serious breach or persistent breaches of the school's Promoting Positive Behaviour Policy;
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in school.

These criteria are not the only factors which can contribute to decisions about exclusion. There may be deeper clinical and psychological considerations; periodic errors may occur in selection and assessment; there may be insuperable pressures from the family and home contact; unexpected deteriorations in a child's psychological condition can occur; and so on. Again, the important thing is to make careful and informed decisions which are in the best interest of the child, the school community and other pupils. These collective interests cannot always be reconciled, of course. We are well aware of this and we accept the fact that on some occasions the collective good will have to prevail over individual considerations.

## 5.3 Some Advantages of Exclusion

1. It can offer a chance for emotional relaxation and personal recovery in a context less fraught with situational anxiety.
2. It can give a pupil a chance to reconsider their present attitudes and future intentions.
3. It gives the school a chance to involve parents and other agencies in the problem and its resolution.
4. The investigation process is sometimes better conducted away from the school setting, away from the pressure of recent difficulties.

5. Exclusion can lead to a more realistic formulation of goals and a better working relationship based on negotiation between the school, pupil and the family (I refer here to exclusions of a temporary nature).
6. Precipitous actions, taken in the heat of very difficult situations, can be avoided if we know that exclusion is a viable alternative within the school's procedures. This can provide an alternative to serious confrontation with some pupils.
7. For many children, who genuinely like the school, the possibility of being excluded holds no attractions. It can be a real deterrent to unwanted behaviour for some pupils.

#### **5.4 Some Disadvantages of Exclusion**

1. Exclusion can create many additional pressures and difficulties.
2. It takes the child out of the educational and therapeutic support of the school.
3. It takes the child out of a structured and controlled environment and (often) places him in a difficult home or alternative context.
4. It often places the family under additional difficulties.
5. It can create parental resentments.
6. It can damage still further the child's place in the family and lead to a further breakdown in family relationships.
7. It may place the child in a home situation where there is less ability to handle his behaviour than there is at the school.
8. It may place the referring agencies (LA, Social Services, Psychological Services) under increased pressure.
9. It may encourage the notion amongst other pupils that bad behaviour provides a possible 'way out' from the school.
10. Being seen to be 'sent home' is a very attractive idea to a few pupils. There are some who might even see it as a 'reward' for bad behaviour.
11. It could prove to be totally counter-productive if it is used too frequently. This might produce a tendency to 'off-load' problems rather than to contain them and work them through.

Should exclusion become necessary however, it is important to follow our internal procedures. These will help to limit adverse effects and protect the pupil, the school and the family.

#### **6.0 Procedures for Exclusion (Permanent and Fixed Term)**

1. There must be full consultation and full investigation of any precipitating circumstances. This process will include senior staff, together with any other staff member involved and any other child involved.
2. Our usual recording procedures must be followed. The proper documenting of event, decisions and action if essential.

3. Precipitous action should be avoided whenever possible. Exclusions should follow proper consultation and communication with parents, the Local Authority and any other referring or supportive agencies.
4. Whenever possible agreement should be reached in consultation with these people, about the exclusion decision. Local Authorities can only provide alternative arrangements (and/or secure alternative school placements) if they are given adequate notice of exclusion proceedings.
5. Proper written follow up (reports etc.) should be sent to all parties, if an exclusion is permanent, it may be helpful to other agencies for us to liaise with them regarding choice of placement etc. If the exclusion is fixed term it is essential that appropriate levelled school work is sent home for the young person to complete during the exclusion period.
6. Further meetings for consultation, planning and decision making may need to be arranged.
7. The school-based decision about exclusion will ultimately rest with the Headteacher in consultation with other senior staff. The opinions of other members of staff involved with the child (i.e. teachers and teaching assistants) must be taken into account.

**A proposed exclusion must be agreed by the Chair of Governors and a record of the decision made before exclusion is enacted.**

8. In cases of alleged sexual/physical/drug abuse the Designated Safeguarding Lead (DSL) will make the initial assessment and then communicate with appropriate outside agencies.
9. Sometimes exclusion has, unavoidably, to be arranged urgently. Even then proper arrangements must be made. Parents and Local Authorities must be informed and appropriate travel provision made.
10. A planned reintegration meeting should take place following any fixed term exclusion. This will involve teaching staff, a member of SLT, the young person, parents/carers and any other agency representative deemed appropriate.

## **7.0 Roles & Responsibilities: The Headteacher**

The headteacher will provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion.
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent.
- Information about parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this.
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend. As the Chair of Governors is required to authorise a decision to exclude a pupil, any meeting will always involve another Governor who will not have been involved in overseeing the initial decision to exclude.

The headteacher will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason.

Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

- The start date for any provision of full-time education that has been arranged.
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant.
- The address at which the provision will take place.
- Any information required by the pupil to identify the person they should report to on the first day.
- School leaders will make sure that all risk assessments are completed to ensure the child's safety whilst attending alternative provision

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent. The school does not engage with unregistered alternative providers.

### **7.1 Informing the governing board and local authority**

The headteacher will seek authorisation from the Chair of Governors and notify the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent.
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term.
- Exclusions which would result in the pupil missing a public examination.
- For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay. For all other exclusions, the headteacher will notify the governing board and LA once a term

### **8.0 Conclusion**

We expect to use the above procedures very infrequently. It is, however, a response which we reserve the right to use in certain circumstances. It will always be used in a constructive spirit with careful attention paid to striking a balance between the needs of the pupil concerned, their family, the school, our staff and our remaining pupils.