



# THE SPIRE

CHURCH OF ENGLAND LEARNING TRUST

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## EXCLUSION POLICY

2022-2023

This policy was reviewed/updated by Geraint Roberts and is Approved by The Trust annually

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Source DfE:WCC



# **The Spire Church of England Learning Trust**

## **Exclusion Policy**

The school's 'Exclusions policy' operates in conjunction with other policies including the 'Behaviour and Rewards Policy and Rewards policy', 'Drug, Alcohol and Substance Misuse policy', 'E-Safety policy' and 'Safeguarding policy'.

### **Rationale and definitions**

This policy deals with the policy and practice which informs the school's use of exclusion. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

- Ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed;
- Reduce the need to use exclusion as a sanction.

An exclusion, within this document may be one of three types:

- Internal Exclusion (when a student is excluded from normal lessons, but remains within the school)
- Fixed-Term Exclusion (when a student is excluded from school)
- Permanent Exclusion (where steps are taken to permanently remove the student from the school)

### **Introduction**

Exclusion is an extreme sanction and will be avoided wherever possible. In the majority of cases, students demonstrating unacceptable behaviour will be sanctioned appropriately using the school's 'Behaviour and Rewards Policy' -eg using the school's Isolation area. By this means, students whose behaviour transgresses the behaviour standards of the school will be punished, but their work will suffer less than if they were excluded from school. For further detail of the Isolation Room, please see the school's 'Behaviour and Rewards Policy'.

With regard to the above, the decision to recommend a student for a fixed-term or permanent exclusion will be taken in the following circumstances:

- In response to a serious breach of the school's 'Behaviour and Rewards Policy' and 'Behaviour for Learning protocols', beyond that which would result in referral to the Isolation Room; and
- If allowing the student to remain in school would seriously harm the education or welfare of the student or other students in the school.

In determining any exclusion as a school we will take due consideration of the Equality Act 2010 and the SEND code of practice.

## **Responsibility for Exclusion**

An exclusion is only administered by the Headteacher (or, in the absence of the Headteacher, the Deputy Headteacher or Head of School who is acting in that role).

## **Causes for Exclusion**

Exclusion, whether internal, 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 school's 'Behaviour and Rewards Policy':

- Actions which put the student or others in danger.
- Verbal abuse to staff and others
- 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
- Possession of an illegal drug
- 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 student'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.

## **Alternatives to Exclusion**

The threat of a permanent exclusion will never be used as the means to coerce parents/carers to move their child to another school. As described earlier in this document, alternative strategies to repeated fixed-term exclusions or a permanent exclusion are always used if possible. For example:

- **Pastoral Support**

Pastoral support may be necessary if a student's behaviour at school means that he/she: is at risk of permanent exclusion; has had a number of fixed term exclusions but their behaviour is not improving; or is behaving in ways that hinder their progress and achievement in school.

- **Managed Move (Schools to enter own arrangements)**

A 'managed move' may be resorted to in order to avoid danger of permanent exclusion. It may be used as the culmination of behaviour interventions, when no other has succeeded or, in exceptional circumstances, for a serious 'one off' incident.

Schools and other educational establishments in Bromsgrove have an agreement whereby students may be offered the opportunity of a 'fresh start' dependant on the student successfully demonstrating the desire to meet the expectations of the 'receiving' institution. 'Managed moves' are arranged via the Fair Access Panel (FAP) which are convened once per half term for all participating schools.

Before a student application for managed move is submitted to the FAP, a meeting is arranged between the student, parents/carers and representative from the school as a 'managed move' can only proceed with the written agreement of all parties. If agreed, the application is made to FAP. Parents/carers should note that the student's attendance and behaviour records will be shared at the FAP meeting.

A 'managed move' to another middle school is offered initially as a ten week trial. If the parent/carer or student does not accept the 'trial' school then the managed move cannot proceed. However, in such circumstances it should be noted that a permanent exclusion may well be the result. If accepted, following an induction meeting, the student joins the 'receiving' school for the trial period. At the induction meeting the student must promise to fully abide by the rules of the school and the parents/carers promise to offer full support.

Financial support is available to provide for new uniform. If, during the trial period, the student fully abides by the rules of the receiving school, then a place is offered on a permanent basis. If unsuccessful, a Headteacher's panel will be convened and a second and final managed move may be agreed. In this second and final managed move is unsuccessful, a permanent exclusion will be the likely result.

- **Use of alternative provision**

The school has the power to send a student to another education provider to modify and improve their behaviour. The objectives of the provision, days/times of attendance and duration of provision will be clearly set out from the start of the process. The student's attendance and progress at the alternative provider will be regularly reviewed to ensure that the placement is achieving its objectives and the student is benefitting from it.

The student will be re-integrated back into school once he/she has modified and improved their behaviour so that they can conform to the school's 'Behaviour and Rewards Policy'. The school will have regard to all of the statutory guidance set out in the 'Alternative Provision Statutory guidance for local authorities (January 2013)' document.

## **Exclusion procedures**

The school follows the legislation and statutory guidance in the current Statutory Exclusions Guidance (<https://www.gov.uk/government/publications/school-exclusion>):

- the Headteacher's duty to inform parties about an exclusion
- the Governing Board's duties to arrange education for excluded students
- the Governing Board's duty to consider an exclusion

- the Governing Board's duty to remove a permanently excluded pupil's name from the school register
- the Governing Board's duty to arrange an independent review panel
- the Governing Board's duty to reconsider reinstatement following a review
- the statutory guidance to the Headteacher and Governing Board on police involvement and parallel criminal processing.

When a decision has been made to exclude a student, the school will, without delay, let parents/carers know the type of exclusion and the reason(s) for it. This will be followed, subsequently by a letter with the following information:

- the reason(s) for the exclusion;
- the length of the exclusion;
- the parents'/carers' right to put forward their case about the exclusion to the governing board, how they should go about doing this and how the student can be involved; and
- when relevant, what alternative provision will be provided from the sixth day of a fixed-period exclusion.

### **Internal Exclusion (Isolation Area)**

An Internal Exclusion will be implemented for a misdemeanour of sufficient seriousness as to warrant a student being removed from lessons, but not so serious as to warrant removal from school or for an accumulation of behaviour points. As stated above, all efforts will be made to keep the student in school, so as to support his/her education and it will only be in the most severe circumstances (or a repeat of earlier offences) that will lead to Fixed-Term or Permanent Exclusions.

Students placed in the Isolation area will be set work, with a priority on English, maths and science. They are not allowed to take their break or lunchtime with other students, but will be given a separate and comparable break and lunchtime.

There is no limit on how many times a student can be placed in the Isolation Area in an academic year. However, they can only be placed in the Isolation Area for a maximum of ten consecutive days.

### **Fixed-Term Exclusion**

A Fixed Term Exclusion is of short duration and may be necessary if a student has repeatedly been placed in the Isolation Area or if a student commits an offence which is considered so serious, that it would not be appropriate to place him/her in the Isolation Area.

In the case of Fixed-Term Exclusions, the Department for Education allows the Headteacher to exclude a student for one or more fixed periods not exceeding 45 school days in any one school year.

Students on fixed term exclusion will be forbidden from attending school, or being in the vicinity of school for the term of their exclusion. Under current legislation, parents/carers are obliged to take responsibility for their child if s/he is excluded and ensure that they are not in a public place

without good reason during school hours within the first five school days of any exclusion. If they do not, they may be prosecuted or receive a penalty notice from the local authority.

Parents/carers must also ensure that their child attends the suitable full time education provided by the governing body or the local authority from the sixth day of exclusion.

Support will be provided for students during the exclusion, for example by the provision of work and/or arrangement of alternative provision. It is the responsibility of parents/carers to return work to school to be marked. For students with an additional educational need the work will be matched appropriately to either their Statement or Education or Health and Care Plan (EHCP) or as identified by their SEN Support status in line with the Code of Practice.

Following time in the Isolation Room or following a fixed-term exclusion, parents/carers are invited into school to attend a re-admission meeting. Failure to attend may make it more likely that the court will impose a parenting order if the school or local authority apply for one.

At the meeting, the student will be set specific goals in order to help him/her avoid the behaviour that led to exclusion. Students returning to school following a fixed term exclusion may, as part of their reintegration, serve a further period of time in isolation, to enable them to catch up with their studies. It may also be appropriate to place a student returning to school following exclusion on a two week report to monitor behaviour and work.

### **Exclusions Procedure (Permanent Exclusion)**

The decision to exclude a student permanently is a serious one and will never be taken lightly. In doing so, we recognise that a permanent exclusion may have a serious impact upon a student's life chances. Permanent exclusions will only be resorted to in response to:

- a serious breach or persistent breaches of the school's Behaviour and Rewards Policy; and
- where allowing the student to remain in school would seriously harm the education or welfare of the other students in the school.

### **Exercise of discretion**

In reaching a decision on a fixed-term or permanent exclusion, the Headteacher will apply the civil standard of proof (ie '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) and 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. Before deciding the Headteacher will ensure that:

- appropriate investigations have been carried out.
- all evidence available to support the allegations have been collated, taking into account the school's 'Behaviour and Rewards Policy', and 'Equality Policy'.
- the student has been allowed to give her/his version of events.
- there is no evidence which may indicate that the incident may have been provoked for example by bullying or by racial or sexual harassment.

If the Headteacher is satisfied that, on the balance of probabilities, the student did what he/she is alleged to have done, exclusion will be the outcome. In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider:

- the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the 'Behaviour and Rewards Policy'
- the effect that the student 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 school's usual policy in this particularly serious matter to issue a permanent exclusion and possibly involve the Police.

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 permanently exclude. This committee will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the student's school record, witness statements and the strategies used by the school to support the student prior to permanent exclusion.

The school will inform parents/carers immediately by phone call when the decision has been taken to seek permanent exclusion for a student. This will be followed, subsequently by a letter in which the terms of the exclusion are set out. Parents/Carers are also informed of their rights regarding an appeal of the terms of the exclusion.

### **Behaviour outside school**

Student behaviour outside school on school "business" for example trips, travelling to and from school, away school sports fixtures or a work experience placement is subject to the school's 'Behaviour and Rewards Policy' Poor behaviour in these circumstances will be dealt with as if it had taken place in school. Serious infringements of the school's 'Behaviour and Rewards Policy' that occur 'outside of' the school may lead to a fixed term or permanent exclusion.

### **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 school's. 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 Headteacher will make a judgment set against the criteria in the school's 'Drug, Alcohol and Substance Misuse policy'.

### **Review of Exclusions**

The senior leadership team review and evaluate the use of exclusions to ensure their effectiveness.

### **Advice for parents/carers**

- Current Statutory Exclusions Guidance at <https://www.gov.uk/government/publications/school-exclusion>. There is a guide for parents/carers in Annex C on pages 56 to 60.
- There are a number of national organisations that provide free information, support and advice to parents/carers on exclusion matters. For example:

- Coram Children's Legal Centre. They can be contacted on 0300 330 5485 or through <https://childlawadvice.org.uk/information-pages/school-exclusion/>. The advice line is open on Mondays to Fridays from 10.00am to 1.00pm.
  - ACE education. They can be contacted on 03000 115 142 or at [enquiries@ace-ed.org.uk](mailto:enquiries@ace-ed.org.uk). Please check their website at <http://www.ace-ed.org.uk> for the opening times of the advice line.
  - The National Autistic Society School Exclusion Service (England) can be contacted on 0808 800 4002 or at [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk). Information can also be found on their website at <https://www.autism.org.uk/>
  - Independent Parental Special Education Advice <http://www.ipsea.org.uk/>
- There are also some local services who can provide advice and guidance. For example:
    - Claire Cattell (Exclusions Officer). She can be contacted on 01905 678200 or at [PrimeExclusions@babcockinternational.com](mailto:PrimeExclusions@babcockinternational.com)
    - Special Educational Needs and Disabilities Information, Advice and Support Service-SENDIASS (formerly the parent partnership service). They can be contacted on 01905 768153 or at [www.SENDworcestershire.co.uk](http://www.SENDworcestershire.co.uk) or [sendiass@worcestershire.gov.uk](mailto:sendiass@worcestershire.gov.uk). They also have a national website at <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>
    - Worcestershire Gypsy Roma Traveller Education Team. They can be contacted on 01905 846045 or at [GRT@worcschildrenfirst.org.uk](mailto:GRT@worcschildrenfirst.org.uk)