

St Thomas More Catholic Voluntary Academy



Exclusion Policy

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Dr Clare Macdonald (Chair of Governors)	24.09.2020	

It is for the head teacher (or in their absence the acting Head) to decide whether to exclude a pupil, for a fixed term or permanently, in line with the legal requirements on the use of exclusion and having regard to statutory guidance.

Statutory guidance on exclusion is provided by the Department's guidance: *Exclusion from maintained schools, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion, 2012*.

The decision to exclude a pupil, either for a fixed period or permanently is a last resort, taking into account the school's duty of care to pupils and staff.

No exclusion will take place without first implementing other strategies or sanctions or, in the case of a serious single incident, a thorough investigation.

Reasons for exclusion:

- Risk of serious harm to the education or welfare of the pupil.
- Risk of serious harm to the education or welfare of other pupils (e.g. sustained bullying, frequent high-level disruption to lessons, non-compliance or disrespect to adults who work in school)
- Risk of serious harm to adults working within the school.
- Serious malicious damage to school property.
- Criminal activity e.g. possession of drugs

Temporary exclusion

A temporary exclusion should be for the shortest time necessary. Where appropriate a lunchtime exclusion will be made to prevent loss of learning time if the exclusion is related to misconduct out of the classroom. A lunchtime exclusion counts as a ½ day exclusion for the purpose of reporting.

Persistent or cumulative problems

Exclusion will be imposed only when the school has already considered and implemented a range of support and management strategies. The Head and staff will identify pupils whose behaviours place them at risk of exclusion, and seek additional provision to meet their individual needs. This may include working in partnership with other agencies e.g. the Social, emotional and mental health team.

For example:

- Discussion with the pupil and/or parents.
- Mentoring (adult support)
- Target setting and reward systems – behaviour charts
- Internal exclusion
- Social, emotional and mental health team (SEMH) consultation and support

These measures will include working in partnership with families. Parents/carers will be made aware of the possibility of exclusion if there is no improvement in behaviour.

Individual Behaviour Support Plans

Behaviour Support Plans will be used to help pupils at risk of exclusion in order to support him/her to make correct behaviour choices. They will:

- Identify objectives and address one target at a time;

- Include strategies for managing the environment, class, group or activities which give rise to the inappropriate behaviours;
- Emphasise teaching the child alternative positive behaviours;
- Specify behaviour that is unacceptable and the consequence e.g. time-out, etc;
- Include some form of self-assessment to encourage responsibility for own behaviour.

Schools are under a duty to arrange suitable full-time education for an excluded pupil from the sixth school day of any fixed period exclusion of more than five school days.

Exclusion will never be used for minor misconduct (e.g. failure to do homework, lateness, poor academic performance or breaches of uniform rules).

Single incident

Temporary exclusion may be used in response to serious misconduct. Each individual situation will be investigated according to need. In such cases the Head or delegated member of staff will investigate the incident, seek the opinions and advice of colleagues and consider all evidence to support the allegation. Pupils and adults involved will be encouraged to give his/her version of events and provocation will be taken into account. (for example, bullying or racist behaviour). If satisfied that, **on the balance of probabilities**, the pupil did what he or she is alleged to have done; the Head may exclude the pupil.

The decision to exclude

If the Head decides to exclude a pupil they (or their representative) will

- Ensure there is sufficient evidence to support the decision
- Explain the decision to the pupil and his/her parents/carers.
- Send a letter to the parents/carers confirming the reason for the exclusion, using the current recommended LA pro-forma letter
- Inform the LA exclusions team and Clerk to the Governors using the current recommended LA form and a copy of the letter to parents
- File relevant documentation in the pupil's school record and Head's exclusion record.
- Ensure that appropriate work is set and that arrangements are in place for it to be marked
- Plan how to address the pupil's needs on his/her return with support from BST and other professionals where appropriate. Consider whether a PSP meeting should be held or a referral made to BST (or other additional arrangements)
- Arrange for a re-integration meeting with parents and pupil on his/her return

Schools are under a duty to arrange suitable full-time education for an excluded pupil from the sixth school day of any fixed period exclusion of more than five school days.

Permanent exclusion

Permanent exclusion is a very serious, rare, decision and a last resort. The Head may decide to permanently exclude a pupil only when she is sure that if the pupil remains at school, it would seriously harm the education or welfare of the pupil or others in the school. The Head will consult with the Chair of Governors before enforcing a permanent exclusion.

There is a formal process for all exclusions and these have to be reported to the Local Authority. The school is able to seek advice from the relevant LA officers, such as the Admissions and Exclusion Service. The most up-to-date guidance from the Local Authority will be followed in all cases. More detailed guidance is available from Leicester City Council's Exclusions Team.

Local authorities are under a duty to arrange suitable full-time education from the sixth school day of a permanent exclusion

Child protection

An exclusion should not be enforced if doing so may put the safety of the pupil at risk.

Behaviour outside school

Pupils' behaviour on school trips is subject to the school's behaviour policy. Bad behaviour offsite will be dealt with as if it had taken place in school.

Pupils with special educational needs and disabled pupils

The school takes account of any special educational needs when considering whether or not to exclude a pupil. In line with the Equality Act 2010 and the school's Equality policy disabled pupils should not be discriminated against by excluding them from school for behaviour related to their disability. Reasonable steps should be taken by the school to respond to a pupil's disability so the pupil is not treated less favourably for reasons related to the disability. 'Reasonable steps' should include:

- Differentiation in the school's behaviour policy
- Developing strategies to prevent the pupil's behaviour from resulting in exclusion
- Requesting external help with the pupil
- Staff training

Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified if there is a material and substantial reason for it. A specific incident affecting the welfare of children and staff may be such a reason.

Marking attendance registers during exclusion

When a pupil is excluded temporarily, he/she should be marked as absent using Code E.

Managed move

In cases where the Head and parents agree that progress in improving behaviour has been unsatisfactory and the pupil is unwilling or unable to benefit from the measures offered, a move to another school may be considered. SEMH will be consulted to support a managed move. A managed move is not exclusion and every assistance will be given to placing the pupil in another school.

Removal from the school for other reasons

The Head may send a pupil home, after consultation with the parents and a health professional as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff, e.g. because of a diagnosed or suspected illness such as a notifiable disease, in line with Public Health guidance. This is not an exclusion and should be for the shortest possible time.

Procedure for appeal

Parents have the right to make representations to the governing body (or discipline committee) about an exclusion and the governing body must review the exclusion decision in certain circumstances, which includes all permanent exclusions. Where a governing body upholds a permanent exclusion, parents have the right to request that an independent review panel reviews this decision. Parents may also make a claim of discrimination in respect of an exclusion, either to the First-tier Tribunal in relation to disability discrimination or the County Court in relation to other forms of discrimination.

If parents wish to appeal the decision to exclude the matter will be referred to the Governing Body. Two governors, will acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within five days.

Records relating to the decision to exclude and the parents' complaint will be copied to all parties not later than two days prior to the hearing. In no circumstances however will the school be required to divulge to parents or others any confidential information on or the identities of pupils or others who have given information which has led to the exclusion or which the Head has acquired during an investigation.

The parents may be accompanied to the hearing by one other person. This may be a relative, teacher, friend or Parent Support Adviser. Legal representation will not normally be appropriate. If possible, the governors will resolve the parents' complaint without the need for further investigation. Where further investigation is required governors will decide how it should be carried out. After consideration of all the relevant facts the governors decide whether to uphold or rescind the exclusion or make other recommendations. This decision will be made within ten days of the hearing.

Parents will be informed in writing of the governors' decision and the reasons for it. Their decision will be final. The governors' findings and any recommendations will be sent in writing to the parents, Head and Governing Body.

Reviewed: Sept 2020

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