

Exclusion Policy



Undershaw

To be read in conjunction with the Positive Behaviour Policy

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Undershaw has the highest concern for the safety and wellbeing of the whole school community, and we work hard to ensure that our ethos and environment supports student learning and success. Exclusion is a sanction used only as a last resort, and we aim to reduce the need for the use of it as far as is possible by having a child-centred approach; using a proactive approach, based in Team Teach strategies (www.teamteach.co.uk). This policy outlines the school's use of exclusions and is supported by our school's positive behaviour policy.

1. Power to exclude

The headteacher is the only member of staff within the school who can exclude a student, either permanently or for a fixed-term. In the absence of the headteacher, the director of education or the director of safeguarding, welfare or pastoral care can make this decision.

The governing board can review the headteacher's decision and consider representations from parents of excluded students. They may direct the reinstatement of an excluded student, or uphold an exclusion after a review, but they cannot exclude a student themselves. For more information on the governing board's role in exclusions, see section 5.

In making decisions on exclusions, the headteacher and governing board must have regard to the statutory guidance issued by the Department for Education on exclusions.

2. Grounds for exclusion

Any exclusion, whether fixed term or permanent, will flow from a breach or breaches of the positive behaviour policy. In accordance with DfE guidance on exclusions, a permanent exclusion may only be imposed in response to a serious breach or persistent breaches of the positive behaviour policy and where allowing the student to remain in school would seriously harm the education and/or welfare of the student or others in the school community.

In line with the school's positive behaviour policy, the following actions are examples of unacceptable behaviour which may result in permanent or fixed-term exclusions:

- verbal abuse to staff and others
- verbal abuse to students
- physical abuse to/attack on staff
- physical abuse to/attack on students
- bullying
- sexually inappropriate behaviour
- damage to property
- misuse of or supplying illegal drugs
- misuse of or supplying other substances
- theft
- supplying an illegal drug
- carrying an offensive weapon
- arson

3. Types of exclusion

3.1 Permanent exclusion

Permanent exclusion is an extremely serious sanction, and a step taken by the school only as a last resort. Permanent exclusion will be used only after various alternative strategies have been tried to improve behaviour but have been unsuccessful. There are some situations in which permanent exclusion on the first offence is appropriate. These may include:

- Actively and maliciously bringing the school into disrepute
- serious, actual or threatened violence against another student or a member of staff
- sexual abuse or assault
- supplying an illegal drug

- carrying an offensive weapon
- arson.

It may be necessary for the school to involve the police if the offence warrants it. All permanent exclusions will be reviewed by the governing board to ensure that the headteacher's decision was lawful, reasonable and fair. The headteacher can withdraw an exclusion that has not yet been reviewed by the governing board.

3.2 Fixed-term exclusion

The length of a fixed-term exclusion will be set out by the school at the start of the exclusion period. If a student is excluded for more than 45 days in one school year, they will be permanently exclusion will be considered.

A fixed-term exclusion may result from a serious breach or persistent breaches of the school's positive behaviour policy. It may be a first offence or persistent disruptive behaviour that requires a tougher sanction than other sanctions available to the school under the positive behaviour policy but does not warrant permanent exclusion.

A permanent exclusion may follow on from a fixed term exclusion by the headteacher if the circumstances warrant it. This will generally be in cases where further evidence comes to light during the school's investigation. In this case, parents/carers will be notified in writing of the decision to permanently exclude the student, together with the reasons for doing so. During fixed-term exclusions and permanent exclusions, daytime supervision of the child is the responsibility of their parent/carer. Work will continue to be provided by the school.

An excluded student has no automatic right to take a public examination or National Curriculum tests on the school's premises. The governing board can decide whether or not to allow the student to sit the tests, and this will depend on the seriousness of the reason for exclusion.

4. Making the decision to exclude

Exclusion of any sort, for any period of time, is taken very seriously by the school, and the decision to exclude is not taken lightly. Various alternative strategies to manage behaviour will usually be tried before exclusion, as this sanction is only used as a last resort unless the behaviour exhibited equates to a serious breach of the behaviour policy.

If it is decided that exclusion is necessary, the parents or carers of the student will be notified, the position fully discussed and the circumstances surrounding the exclusion will be formally recorded.

4.1 Managed move

It may be in the best interest of a student to have a chance of a fresh start by moving to another school. This decision will be made at an interim Annual Review, in full discussion with parents/carers, the Headteacher and the Local Authority. Any potential new school will be consulted in line with the SEN Code of Practice.

Parents will not be put under any pressure to agree to a managed move, especially in fear of a permanent exclusion, and the school will do everything it can to ensure that any transition is as smooth as possible.

4.2 Looked-after children and young people

Undershaw understands that looked-after children and young people are particularly vulnerable. We work in conjunction with all relevant childcare authorities to support looked-after children and try every possible means of keeping them in school. Before any decision to exclude is made, the school will (as appropriate):

- consult the LA about alternative options to support a looked-after student
- consult the LA about what alternative provision will be available if the student is excluded
- involve the child's social worker as early as possible to help the school avoid exclusion

- work with the foster carer to improve the student's behaviour.

4.3 Protected characteristics

Undershaw does not discriminate against any person and our school ethos is one of inclusion, equality, and diversity. If any person feels that they have been discriminated against, due to their disability, gender, race, religion or belief or their sexual orientation, they may make a formal complaint to the school following the process outlined in our school complaints procedure. Where the issue arises in relation to an exclusion, the school will deal with any concerns raised by parents through the consideration of parental representations within the exclusion framework.

4.4 Investigating the circumstances

A full investigation will always take place before the decision to exclude is made.

Before the decision to exclude is made, the headteacher will:

- ensure that the school has undertaken a thorough investigation
- consider all the evidence available, to enable a full understanding of the situation
- encourage the student to give his or her version of events
- speak with parents/carers
- take into account the school's positive behaviour policy, the child's Positive Behaviour Support Plan and particular SEND needs, alongside all other relevant school policies including equal opportunities policy
- find out whether the behaviour may have been provoked, for example in the case of racial or sexual harassment, or bullying
- consult other people as necessary (but not anyone on the governing board who may later have a role in reviewing the decision)
- keep a written record of discussions, interviews and actions, and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed if possible.

4.5 Confidentiality

The school will deal with all cases of exclusion and the surrounding circumstances confidentially. Information will be shared only with those who need to know it, and a breach of this may result in disciplinary action.

4.6 Recording and notifying the decision to exclude

All exclusions will be formally recorded and the headteacher will contact the parents or carers of the student immediately once the decision has been made to exclude, specifying why this action has been taken and the length of time that it will last. If the student is over 18, they will be notified directly. The decision will be confirmed in writing. The headteacher will notify the governing board of any decisions to exclude. The Headteacher will inform the LA within one day of the decision to exclude, where the exclusion is permanent or is a fixed term exclusion for a period of more than 5 school days in a term or where the exclusion will result in the student missing a public examination or national curriculum test.

5. Reviewing an exclusion

Governors will automatically review all cases of permanent exclusion, as well as any fixed-term exclusions that would lead to a student being excluded for more than 15 days of a school term or missing a public exam. The governing board will look at the evidence and the records leading up to the exclusion and decide whether, in light of the evidence and his/her legal duties, the headteacher has made a lawful, reasonable and fair decision.

The review hearing will be minuted by the clerk.

Parents/carers who want a review of the exclusion can contact the governing board. They have - the right to an SEN expert to attend the independent review panel

- the right to have a representative at the independent review panel at the parents' own expense
- allegations of disability discrimination may also be referred to the First Tier Tribunal (SEND Tribunal)

- a claim to the county court can be made for other forms of discrimination.

Subject to the type and length of the exclusion imposed by the headteacher, parents/carers will be invited to a review meeting and are entitled to bring a friend or legal representative with them.

Parents will be asked to provide the governing board with any written statements or evidence that they might have relating to the exclusion prior to the review meeting so that these can be circulated. There will be an opportunity during the meeting for parents to ask questions of the other parties.

The student concerned is encouraged to attend if they are able to fully understand the proceedings. Undershaw believes that students should be encouraged to take part in the review process and feel that they are listened to. This will hopefully increase the chance of a positive behaviour pattern emerging in the future.

5.1 Notification of the governing board decision

Parents will be notified of the outcome of the governing board review meeting in writing. This letter will also outline how parents can request a review by the independent review panel if they are unhappy with the outcome of the governing board's review. The outcome of the governing board meeting will be one of the following.

- **Upholding the exclusion**

If the governing board finds that the exclusion decision was lawful, reasonable and fair, they will uphold the decision to exclude. In this case, a letter will be sent to the parent or carer of the child outlining:

- the decision
- the reason for the decision
- the parent's right to request an independent review panel
- the name and contact details of the person to whom to send the request
- the date by which the request and the reasons for it should be given
- that the notice of appeal must set out the reasons for the request

- **Reinstating the student**

If the governing board decides that the decision to exclude was not lawful, reasonable or fair in light of the evidence and the duties of the headteacher, the governing board must reinstate the student immediately or by a given date. If the latter option is chosen support will be given to ensure that the student is easily reintegrated into the school. This will include a reintegration interview with the headteacher and parent or carer on school grounds, during which a pastoral support plan will be drawn up.

A copy of the letter detailing the outcome will be put in the student's academic records along with any relevant papers.

6. During an exclusion

Although the headteacher has made the decision to exclude a student, the school maintains responsibility for the education of that child and will do everything that they can to minimise the disruption to their education.

During any type of exclusion, the school will set and mark work that the child should complete at home under parental supervision.