

## Mount Charles School

### EXCLUSION POLICY

Adopted by the Local Governing Body: Autumn 2021  
Next Review date: Autumn 2022

#### Introduction

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.

#### Purpose and aim of the policy

This Policy underpins the shared commitment of all members of the school to achieve two important aims:

- To 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;
- To realise the aim of reducing the need to use exclusion as a sanction.

#### Scope

Exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Headteacher, the Assistant Headteacher who is acting in that role).

#### Policy statement

The decision to exclude a pupil will be taken in the following circumstances:-

- In response to a serious breach of the school's Behaviour Policy;
- If allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

Exclusion may be used for any of the following reasons, all of which constitute examples of unacceptable conduct and are infringements of the school's Behaviour Policy:

- Physical assault against pupil (includes fighting, violent behaviour, wounding, obstruction and jostling);
- Physical assault against adult (includes violent behaviour, wounding, obstruction and jostling);
- Verbal abuse/threatening behaviour against pupil (includes threatened violence, aggressive behaviour, swearing, homophobic abuse and harassment, verbal intimidation, carrying an offensive weapon);
- Verbal abuse/threatening behaviour against adult (includes threatened violence, aggressive behaviour, swearing, homophobic abuse and harassment, verbal intimidation, carrying an offensive weapon);
- Bullying (includes verbal, physical, homophobic bullying, racist bullying);
- Racist abuse (includes racist taunting and harassment, derogatory racist statements, swearing that can be attributed to racist characteristics, racist bullying, racist graffiti);
- Sexual misconduct (includes sexual abuse, sexual assault, sexual harassment, lewd behaviour, sexual bullying, sexual graffiti);
- Drug and alcohol related (includes possession of illegal drugs, inappropriate use of prescribed drugs, drug dealing, smoking, alcohol abuse, substance abuse);
- Damage (includes damage to school or personal property belonging to any member of the school community, vandalism, arson, graffiti);
- Theft (includes, stealing school property, stealing personal property (pupil or adult), stealing from local shops on a school outing, selling and dealing in stolen property);
- Persistent disruptive behaviour (includes challenging behaviour, disobedience, persistent violation of school rules).

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgment that exclusion is an appropriate sanction.

## **Types of Exclusion**

### Internal Exclusion

Internal exclusion is when a pupil is excluded from the rest of the school and must work away from their class for a fixed amount of time. This will be in a different classroom/room. An internal exclusion is a discretionary measure, where a pupil's behaviour is escalating and more serious measures need to be taken but there are not yet grounds for an external / fixed term exclusion. Typically, a child receiving a consequence of this level should be receiving additional support for their behaviour, intended to help them to avoid their behaviour escalating to a point where a fixed term exclusion is necessary.

### Temporary / Fixed-Term exclusion

A temporary / fixed term exclusion is when a child is excluded from school and must remain home for a fixed amount of time.

This should be for the shortest time necessary to ensure minimal disruption to the child's education, whilst mindful of the seriousness of the breach of policy.

### Permanent exclusion

A permanent exclusion is when a child is permanently excluded from school and not allowed to return. This is a very serious decision and the Headteacher will consult with senior leaders and Chair of the Governing Body as soon as possible in such a case.

## **Exclusion Procedure**

- The DfE regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.
- The school will arrange to review promptly all fixed term exclusions that would lead to a pupil being excluded for over 15 days in a school term.
- The school will arrange for key staff members, led by a member of SLT, to complete reflection on the sequence of events that lead to any fixed term exclusion so that lessons can be learnt and adjustments made, where necessary, to the support in place for the pupil in school and at home. (appendix A)
- The school will review fixed term exclusions which would lead to a pupil being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations.
- Following exclusion parents/carers are contacted immediately, where possible. A meeting will be called or a letter sent by post giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Headteacher and/or Governors.
- School will monitor behaviour and work closely following a fixed term exclusion. If the fixed term exclusion is greater than five days or an accumulation of exclusions exceed five days, a behaviour support plan or pastoral plan will be drawn up if not already in place. This needs to be agreed with the school, student and parents.
- During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on school premises or out in public during school hours, and that daytime supervision is their responsibility as parents/guardians.

## **A pupil cannot be 'sent home' for poor behaviour.**

### **Work Set**

When a pupil is excluded for more than one day, work should be set by the school within a reasonable time-scale and this should be returned to the school when the exclusion is over. If a child is excluded at the end of a school day, then it may not be possible to arrange for work to be set until the following morning.

A pupil can be excluded for up to 10 continuous days on a fixed term basis. On the 6 continuous day, the school is responsible for providing education for the pupil, which could be at another local school, the pupil referral unit or by providing home education.

### **Behaviour outside school**

Pupils' behaviour outside school on school business e.g. on school trips, at sports events, is subject to the school's behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school; and additionally, this includes the any serious breach of policy which could 'bring the school into disrepute'.

### **Pupils with special educational needs and disabled pupils**

The school must take account of any special educational needs when considering whether or not to exclude a pupil.

The Headteacher should ensure that reasonable steps, in line with the DDA have been 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.

### **Managed move**

In cases where the Headteacher and parents agree that the progress of the pupil has been unsatisfactory and the pupil is unwilling or unable to profit from the educational opportunities offered, or if a parent's failure to engage in strategies implemented by the school are resulting in a continuing pattern of poor behaviour or lack of improvement in behaviour, the Headteacher may consult with the Local Authority and propose a managed move to another school. This is not exclusion.

### **Equal Opportunities**

The Governing Body recognise that it is unlawful to consider anyone's gender, marital status, colour, race, nationality, ethnic or national origin, disability, religious beliefs, age, or sexual orientation. Full consideration has been given to this during the formulation of this policy as it is the governors' aim that no-one at Mount Charles school should suffer discrimination, either directly or indirectly, or harassment on any of these grounds.

### **Reintegration meeting**

After every period of fixed term exclusion, the parent and child will be offered a reintegration meeting with a senior member of school's staff. At this meeting targets will be agreed for improving behaviour and a written agreement produced for all parties to sign.

### **Roles and responsibilities**

Exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Headteacher, the Assistant Headteacher who is acting in that role).

The decision to exclude is not taken lightly.

If the Headteacher decides to exclude a pupil he/she will:

- ensure that there is sufficient recorded evidence to support the decision;
- explain the decision to the pupil if the pupil is in the state of mind to listen to the decision
- contact the parents, explain the decision and ask that the child be collected;
- send a letter to the parents confirming the reasons for the exclusion, whether it is a permanent or temporary exclusion;
- the length of the exclusion and any terms or conditions agreed for the pupil's return;
- in cases of more than a day's exclusion, 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 and integration back into their class on his/her return;
- plan a meeting with parents and pupil on his/her return to be conducted by a suitable senior member of staff.

### **Performance and risk management**

Potential risks will be regularly monitored and evaluated to ensure this policy is kept up to date.

### Communicating the policy

Any changes to this policy will be communicated throughout the organisation using appropriate communication channels.

### Evaluation and review

This Policy will be reviewed when DfE guidance is updated, or annually if the DfE does not change the guidance.

## APPENDIX A

### Incident reflection

This form is design to support teachers and support staff in their reflections following an incident that has led to a call for support from the senior leadership and/or pastoral team. **This is not a reporting system and DOES NOT replace CPOMS.**

Following these incidents, it is important to unpick what has happened and what could be done differently next time. With this in mind, please consider:

Name of child concerned:	Class:
Considerations to be taken in to account in relation to this child and their needs.	
What happened in the time that led to the incident?	
Please detail the incident as succinctly and factually as possible.	
What was the differentiated learning/provision planned for this child in this lesson/break?	
Does the child concerned have an individual plan eg. behaviour plan? YES/NO	
If no, does a plan need to be considered for this child to help avoid a similar occurrence happening more frequently? YES/NO	

If yes, which aspects of the plan were followed effectively?
Which aspects were not followed as effectively as they could have been?  Why was this?
Is a phone call to the child's parent needed? YES/NO
Is a phone call required to the parents of any other child/ren affected? YES/NO
What have been the key lessons learnt?
What are the key actions required? Please specify a date by which these will be actioned and remember to include communication with colleagues eg. changes to behaviour plan, reminders about policy/procedures/process etc.

Reflection completed by:

Date: