



Exclusion Policy

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Definition

A **fixed term exclusion** refers to a student who is excluded from a school for a set period of time.

A **Permanent exclusion** is the most serious sanction a school can give if a child does something that is against the school's behaviour policy (the school rules). It means that the child is no longer allowed to attend the school and their name will be removed from the school roll.

Aims of the policy;

The policy will enable the appropriate staff to ensure that an exclusion is only given for a serious incident and that the process leading to the exclusion is thorough, lawful, reasonable and fair in accordance with the DfE Guidance September 2017.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Ownership

This policy has been developed working with staff, governors and in accordance with the updated DfE guidance September 2017.

Statutory Requirement

The school has to identify how discipline will be maintained and have a policy that indicates this. The linked documents to this policy show in depth information regarding the school's approach to behaviour management. The school has a duty to ensure students are not discriminated against in this process on the basis of sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment.. Particular care is given to the fair treatment of students from groups who are vulnerable to exclusion. The policy will be reviewed regularly by the Senior Leadership Team and Governing Body.

This policy should be read in conjunction with other school policies and guidance documents regarding:

Positive Handling – policy, plans and incident forms
Anti-bullying
Safeguarding and Child Protection
Equality and Diversity
SEND
Staff Code of Conduct





Bents Green School Aims and Values

Bents Green School recognises all children as individuals with unique strengths, abilities and needs. We understand that behaviour is a form of communication and an indication that a child is experiencing difficulty. We strive to ensure a student-centred and inclusive approach that supports students to learn to understand, manage and improve their own behaviour, and to build positive relationships with adults and other students. We aim to prepare our students to be good moral citizens as they develop into adulthood. To support all of our students to achieve the best possible outcomes we endeavour to provide:

- A safe, predictable environment that promotes consistent routines, boundaries and expectations
- A warm, calm and orderly atmosphere that promotes a sense of community
- A climate of mutual respect between all staff, students and visitors within school and the wider community
- Effective partnerships with parents / carers and other agencies to support the welfare and behaviour management of their child; working together to identify reasons for any difficult behaviours and planning strategies to support positive changes to behaviour.
- A focus on celebrating, modelling, promoting and positively reinforcing good behaviour
- The provision of an appropriate curriculum with carefully-planned learning opportunities
- A focus on developing students' social communication and emotional regulation through the SCERTS (Social Communication/Emotional Regulation/Transactional Support)
- Access to personalised learning opportunities, where appropriate, to promote emotional well-being and social, emotional development
- An appropriate learning environment which considers and supports students' communication and sensory needs.
- A comprehensive staff CPD programme to promote effective positive behaviour management; to include TEAM TEACH and specific training relating to different behavioural difficulties / causes /strategies and interventions
- The consistent use of TEAM TEACH de-escalation techniques and positive scripts to support students





All students at Bents Green School have the right to:

- Have recognition of their unique identity together with individual consideration of their needs and appropriate support / provision / adaptation
- Be treated with respect and dignity and feel valued members of the learning community
- Learn in a safe environment
- Be protected from harm, violence, assault and acts of verbal abuse

Expectations at Bents Green School

We expect that everyone will do their best to:

- Be kind to each other
- Be polite
- Listen to each other
- Give and receive help
- Share with others
- Be patient
- Try to stay calm at difficult times
- Work cooperatively with others
- Be honest
- Respect other people's property

Staff have high expectations for all students and will promote an environment which recognises, encourages and rewards these positive behaviours. We aim to effectively support all students with consistent and supportive strategies.

Students and parents / carers are asked to sign a **Home School Agreement** which forms the basis for our school 'rules' and reward system and includes;

- ***Try hard to achieve their best in all activities***
- ***Have good attendance at school***
- ***Respect and take care of our school and the people in it***





- ***Listen to adults in school and follow instructions***
- ***Try to stay calm and talk to a known adult in school if I have a problem***
- ***Hand in all electronic devices /mobile phones to reception on arrival at school and collect them at the end of the day***

We recognise that some students may find some or all of these rules difficult to understand and/or adhere to. Where this is the case students will be supported by staff to work towards achieving these behaviours through explicit teaching, staged targets, individual support plans and positive reward systems.

Exclusion from School Policy

1. Only the head teacher of a school can exclude a student and this must be on disciplinary grounds. A student may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed-period exclusion does not have to be for a continuous period. (Annex B of this guidance, *a non-statutory guide for head teachers*, summarises the requirements for head teachers, but should not be used as a substitute for this guidance or the relevant legislation.)
2. A fixed-period exclusion can also be for parts of the school day. For example, if a student's behaviour at lunchtime is disruptive, they may be excluded from the school premises for the duration of the lunchtime period. The legal requirements relating to exclusion, such as the head teacher's duty to notify parents, apply in all cases. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing board meeting is triggered.
3. The law does not allow for extending a fixed-period exclusion or 'converting' a fixed-period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.
4. The behaviour of a student outside school can be considered grounds for an exclusion.
5. The head teacher may withdraw an exclusion that has not been reviewed by the governing board.



6. Any decision of a school, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); rational; reasonable; fair; and proportionate.
7. The head teacher must take account of their legal duty of care when sending a student home following an exclusion.
8. When establishing the facts in relation to an exclusion decision the head teacher must apply the civil standard of proof; i.e. '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.
9. Under the Equality Act 2010 (the Equality Act), schools must not discriminate against, harass or victimise students because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices and the provision of auxiliary aids.
10. In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:
 - eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act;
 - advance equality of opportunity between people who share a protected characteristic and people who do not; and
 - foster good relations between people who share a protected characteristic and people who do not share it.
11. These duties need to be complied with when deciding whether to exclude a student. Schools must also ensure that their policies and practices do not discriminate against students by unfairly increasing their risk of exclusion. Provisions within the Equality Act allow schools to take positive action to deal with particular disadvantages, needs, or low participation affecting one group, where this can be shown to be a proportionate way of dealing with such issues.
12. The head teacher and governing board must comply with their statutory duties in relation to SEN when administering the exclusion process. This includes having regard to the SEND Code of Practice. *The head teacher should, as far as possible, avoid permanently excluding any student with an EHC plan or a looked after child.*

13. It is unlawful to exclude for a non-disciplinary reason. For example, it would be unlawful to exclude a student simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a student's parents; or the failure of a student to meet specific conditions before

14. 'Informal' or 'unofficial' exclusions, such as sending a student home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a student, even for short periods of time, must be formally recorded.

For the first 5 school days of an exclusion, it's the parent's responsibility to make sure the young person isn't in a **public place** during normal school hours unless there is a good reason.

If a student has been excluded for a fixed period, **schools should set and mark work** for the first 5 school days.

If the exclusion is **longer than 5 school days** we will arrange suitable full-time education from the sixth school day, e.g. at an alternative educational setting.

A student may be given a fixed term or permanent exclusion for any of the following:

- Drug or alcohol related behaviour, including possession (See Alcohol, Drugs and Tobacco policy 2017-18)
- Damage to property (school or other) including vandalism and arson
- Criminal activity
- Persistent bullying of another student or students
- Persistent defiant behaviour
- Persistent disruption to the life of the school
- Physical assault against staff, student or member of the public
- Racism, homophobia, transphobia, disability discrimination aimed at staff, student or member of the public
- Sexually inappropriate language or behaviour aimed at staff, student or member of the public
- Theft
- Use of weapons (including carrying, using or threatening the use of)
- Unacceptable use of technology (including online bullying)
- Verbal abuse (including swearing) or threatening behaviour, including aggression and intimidation towards staff, students or member of the public

Students in *crisis*;

For some students with autism spectrum conditions, the school day can become overwhelming. This can lead to students becoming distressed, requiring additional support from key adults who can help provide comfort and reassurance. Some students may need support from family members to be able to 'reset' and 'recover'. This would be part of the *Individual Support Plan (ISP)* and agreed in partnership with parents/ carers.

Students may be given an Internal Exclusion (Seclusion) for any of the above as a means to try and alter their behaviour and ensure they don't repeat an offence. Parents will be notified of this.

Students are expected to behave appropriately whilst in Seclusion and if a student refuses to follow instructions whilst in Seclusion could be excluded from school.

Students at risk of:

- **Fixed Term Exclusions**
- **Permanent exclusion**
- **Placement breakdown** (due to behaviour)

will be placed on an **Individual Support Plan (ISP)** or an existing plan will be reviewed. Parents/ carers, the student and key members of staff will work together on strategies to improve behaviour through agreed targets and regular meetings.

Students will be referred to the SENCO for further support and intervention.

Bents Green School will endeavour to ensure that the needs of all students are met, however, there may reach a point in which the school must review the appropriateness of provision. If a young person experiences a high number of FTE there is a risk of **placement breakdown**.

If there is a risk of **placement breakdown**, an emergency annual review will be called by the DHT/ SENCO and the local authority will be requested to attend to review the placement.

A decision to **permanently exclude** a student from school will be taken if:

- there is a serious breach, or persistent breach of the school's behaviour policy;

and

- where allowing the student to remain in school would seriously harm the education or safety of the student or others within the school

Reintegration Procedures

Any exclusion will be followed by a **reintegration meeting** to discuss the events leading to the exclusion. Parents & carers are expected to attend this meeting prior to the student re-joining normal lessons. In exceptional circumstances, this meeting can take place at home when parents are unable to come into school.

A plan of support (ISP) will be put in place or a current ISP will be reviewed to reduce the risk of any further exclusions from school.

Suggestions about appropriate referrals to specialist services (i.e. GP, CAMHS, Ryegate, CYT, EP or MAST) will be discussed with Parents / Carers to ensure any assessment of need or specialist support is put in place as soon as possible.

The success of the reintegration will be reviewed by phase leader after an appropriate period of time.

A **post exclusion briefing meeting** can be called by a member of SLT to review the incident. This is a session for staff only but the views of the student and parent will be taken into account.

Challenging an exclusion

Parents have the right to challenge the decision to exclude. Details of which are provided in the letter sent to parents when the decision to exclude has been made.

Governing Body

The Governing Body or a nominated sub-committee of the body are statutorily required to review the Head of School's decision to exclude when:

- An exclusion will result in a student missing an examination
- A permanent exclusion is issued
- An exclusion takes the student's total days of exclusion above 15 in a term
- When a student has been excluded for more than 5 days
- If the exclusion is for 5 days or fewer, you can still ask the governors to hear your views but they can't overturn the Head of School's decision.

Full details and scheduling of these meetings can be found in the DfE Guidance September 2017

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Discrimination and other complaints

Parents can make a claim to a court or a tribunal if you think your child's been discriminated against. You need to do this within 6 months of the exclusion.



Parents can contact the Equality Advisory Support Service for help and advice.

Documents that support our Exclusion policy can be seen in the Appendix. These include:

- A summary of the Governing Body's duties to review
- Pre and Post Exclusion Checklist (Updated 2017)
- Behaviour Policy
- Fixed Term Exclusion Letter

Exclusion Processes

Staff who are initiating a FTE must complete the FTE paperwork, completing a pre exclusion checklist and this must be passed to the Headteacher for approval.

Parents/ carers must receive a copy of the letter in writing within 24 hours and the register must use the 'E; code for the period of the exclusion. A record of the re-entry meeting must be taken and should be offered to parents/ carers. A member of the senior leadership team must be present at the meeting.

