

Create Learning Trust Exclusion Policy



Rationale

Everyone in Create Learning Trust has the right to feel safe, secure and respected and to learn without being disturbed or distracted and play without feeling unsafe. We aim to establish a happy and caring community, which encourages respect for others' feelings, beliefs and possessions and we understand that such a community needs a structure to support acceptable and agreed forms of behaviour. We seek to implement positive behaviour management systems in which all adults within the school consistently model and promote the desired standard of behaviour and we expect the children to accept responsibility for managing their own behaviour. However, there may be occasions when a pupil's behaviour is such that their exclusion from school is the only course of action appropriate.

Guidance on exclusions is set out in the DfE document 'Exclusions from maintained schools, Academies and pupil referral units in England', September 2017 which can be found at www.education.gov.uk This policy should be read in conjunction with each of the school's Behaviour Management Policy and the Anti-Bullying Policy.

General Guidelines

1. Behaviour Management

Pupil behaviour is generally managed through the Behaviour Management Policy, but there may be occasions when a pupil's behaviour is such that their exclusion from school is the only course of action appropriate.

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports Head Teachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches, of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

2. Risk of exclusion

The school endeavours to avoid using exclusion by identifying pupils whose behaviour is causing concern. Strategies are established to support the child through Behaviour Management Protocols. The importance of working with the family is recognised and appropriate help from other professionals may be sought. Pupils who are at risk of being excluded will have an Individual Behaviour Plan to reflect their particular needs; this will be regularly reviewed.

Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation schools should give consideration to a multi-agency assessment that goes beyond the pupil's educational needs.

3. Decision to exclude

The decision to exclude a pupil must be lawful, reasonable and fair and should only be taken:

- in response to serious breaches of the school behaviour management policy
- if allowing the pupil to remain in school would harm the education or welfare of the pupil or staff in the school.

Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

Only the Head Teacher can exclude a child, unless the Head Teacher is absent from the school, in which case the Deputy Head Teacher or senior teacher in charge has this authority

Exclusion should not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the pupil concerned.

Regulations allow the Head Teacher to exclude a pupil for one or more fixed periods, not exceeding 45 days in a school year, or permanently.

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Head Teacher should ensure that a thorough investigation has been carried out and keep a written record of the actions taken, including any interview with the pupil concerned. This will all be recorded on CPOMS or Safeguarding Monitor.

A decision to exclude a pupil for a fixed period should be taken, on a balance of probabilities, only in response to breaches of the school's behaviour policy where these are not serious enough to warrant permanent exclusion and lesser sanctions are considered inappropriate.

The Head Teacher should follow carefully the procedures set out in law and in the statutory guidance which are designed to ensure fairness and openness in the handling of exclusions. Following the DfE guidance will also reduce the chance of any legal challenge to the exclusion at a later stage.

All exclusion cases should be treated in the strictest confidence. Only those who need to know the details of an exclusion should be informed of them.

4. Individual fixed period exclusions

Individual fixed period exclusions should be for the shortest time necessary. Exclusions of more than a day or two make it more difficult for the pupil to reintegrate into the school afterwards. Ofsted inspection evidence suggests that 1–3 days are often long enough to secure the benefits of exclusion without adverse educational consequences.

Where it is clear that fixed period exclusions are not being effective in deterring poor behaviour, for example if they are being repeatedly imposed on a pupil in response to the same behaviour, Head Teachers should consider alternative strategies for addressing that behaviour.

In every instance where a pupil is sent home for disciplinary reasons, Head Teachers must formally record and specify the length of the exclusion (for reporting purposes this should be recorded as a half day, whole day or lunchtime).

Head Teachers should ensure that:

- they are meeting their legal duty of care towards pupils;
- parents are formally notified of the exclusion;
- child protection issues are taken into account e.g. bearing in mind the child's age and vulnerability, that a parent/carer is at home and the child is not placed at risk by, for example, being left to wander the streets; and
- work is sent home or alternative provision is arranged.

All children have a right to an education. Schools should take reasonable steps to set and mark work for pupils during the first five school days of an exclusion, and alternative provision must be arranged from the sixth day. There are obvious benefits in arranging alternative provision to begin as soon as possible after an exclusion.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

In exceptional cases – usually where further evidence has come to light – a fixed period exclusion may be extended, or converted to a permanent exclusion. In such cases the Head Teacher must write again to the

parents explaining the reasons for the change. The Head Teacher may withdraw an exclusion that has not yet been reviewed by the Trust Board.

5. Permanent exclusions

A decision to exclude a child permanently is a serious one. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies, which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort.

There will however be exceptional circumstances where, in the Head Teacher's judgement, it may be appropriate to permanently exclude a child for a first or 'one off' offence:

- Serious actual or threatened violence against another pupil or member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon.

During the first five school days of a permanent exclusion the school should send work home for the pupil to complete.

The pupil remains on the roll of the school until any appeal is determined; until the time limit for the parents to lodge an appeal has expired without an appeal being brought; or the parent has informed the LA in writing that no appeal is to be brought.

6. Lunchtime exclusions

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. Lunchtime exclusions are counted as one half of a school day for statistical purposes. Lunchtime exclusions will not be counted towards the school's duty to provide full time education from day six of a fixed period exclusion.

A parent/carer must arrange collection and supervision of the pupil during the lunchtime exclusion.

A lunchtime exclusion for an indefinite period, like any other indefinite exclusion, would not be lawful. The Secretary of State does not expect lunchtime exclusion to be used for a prolonged period, e.g. for longer than a week. In the long run another strategy for dealing with the problem should be worked out.

Arrangements should be made for pupils who are entitled to free school meals to receive their entitlement which may mean, for example, providing a packed lunch.

7. Informing parents

Whenever a Head Teacher excludes a pupil, the parent must be notified immediately, ideally by telephone. When the parent must be notified in writing depends on when the pupil is excluded.

- Where the pupil is excluded at the end of the afternoon session and the exclusion takes effect from the next school day, notice must be given before the start of that day;
- Where the pupil is excluded in the morning session and the exclusion takes effect from that afternoon, notice must be given before the start of the afternoon session;
- Where the pupil is excluded in the afternoon session and the exclusion takes effect that afternoon, the notice must be given by the end of the afternoon session.

Notices must be in writing and must state:

- 1) for a fixed period exclusion, the precise period of the exclusion;
- 2) for a permanent exclusion, the fact that it is a permanent exclusion;

- 3) the reasons for the exclusion;
- 4) the parent's right to make representations about the exclusion to the Trust Board and how the pupil may be involved in this;
- 5) the person whom the parent should contact if they wish to make such representations (the Chair of the Trust Board);
- 6) the school days on which the parent is required to ensure that their child is not present in a public place during school hours without justification; and that the parent may be prosecuted, or may be given a fixed penalty notice, if they do not do so;
- 7) the arrangements made by the school for enabling the pupil to continue their education during the first five school days of an exclusion, including the setting and marking of work. It is the parent's responsibility to ensure that work sent home is completed and returned to school;
- 8) the school days on (or school day from) which the pupil will be provided with alternative suitable full time educational provision and will be required to attend such alternative provision. Separate notification of these details can be sent later if more time is needed by the school or LA to make arrangements. In the case of a fixed period exclusion the parent must be given this information in writing at least 48 hours before the education is to be provided.
- 9) that, if appropriate, the parent will be invited to attend a reintegration interview and that the parent's failure to attend will be a factor taken into account by a magistrates' court when deciding whether to impose a parenting order, if this is applied for. Details of time, date and location of the interview should be included in the letter for exclusions of up to five days. For longer exclusions separate notification of these details can be sent nearer to the date of the proposed interview.

Letters should also mention:

- a) the latest date by which the Trust Board must meet to consider the circumstances in which the pupil was excluded (except where the exclusion is for a total of not more than 5 school days in any one term, and would not result in the pupil missing a public examination);
- b) the parent's right to see and have a copy of their child's school record upon written request to the school;
- c) in the case of a **fixed period** exclusion, the date and time when the pupil should return to school
- d) in the case of a **lunchtime** exclusion, the number of lunchtimes for which the pupil is being excluded, and if applicable the arrangements for the child to receive free school meals;
- e) if the exclusion is **permanent**, the date it takes effect and any relevant previous history;
- f) the name and telephone number of an officer of the LA who can provide advice; and
- g) the telephone number for the Advisory Centre for Education (ACE) exclusions information line – 020 7704 9822, their website address: www.ace-ed.org.uk, and the fact that a text 'AskACE' can be sent to 68808.

8. Informing the Local Academy Board, The Trust Board and the LA

Within one school day the Head Teacher must inform the Local Academy Board, The Trust Board and the LA of:

- permanent exclusions;
- exclusions which would result in the pupil being excluded for more than five school days (or more than 10 lunchtimes) in any one term; and
- exclusions which would result in the pupil missing a public examination.

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Head Teacher must also advise the home LA of the exclusion, so that they can make arrangements for the pupil's full-time education from and including the sixth school day of exclusion.

For schools with three terms in a school year, fixed period exclusions totaling five or fewer school days, or 10 or fewer lunchtimes or half days, in any one term must be reported for monitoring purposes to the Governing Body.

9. Reintegration interview

Schools should have a strategy for reintegrating pupils that return to school following a fixed period exclusion, and for managing their future behaviour.

The Head Teacher must arrange a reintegration interview with parents during or following the expiry of any fixed period exclusion. If possible the interview should be held on the day the pupil returns to school. An interview is not necessary where the pupil is leaving school within the period of the exclusion for a reason unconnected with his or her behaviour or where the first day of exclusion falls within the last ten school days in the school year. The pupil should normally attend all or part of the interview. The interview should be conducted by the Head Teacher or a senior member of staff. In some circumstances it may be helpful for another person to be present such as the designated teacher or governor for Looked After Children or children with SEN.

The purpose of the reintegration interview is to assist the reintegration of the pupil and promote the improvement of his or her behaviour. It provides an opportunity to:

- emphasise the importance of parents working with the school to take joint responsibility for their child's behaviour;
- discuss how behaviour problems can be addressed;
- explore wider issues and any circumstances that may be affecting the child's behaviour;
- reach agreement on how the child's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour; and
- create a useful forum to consider with parents the possibility of a parenting contract

10. Parental co-operation

If a parent does not comply with an exclusion, for example by sending the excluded child to school, or by refusing to collect, or arrange collection of them including at lunchtime, the school must have due regard for the pupil's safety in deciding what action to take. An exclusion should not be enforced if doing so may put the safety of the pupil at risk. If efforts to resolve the issue with the parents are unsuccessful, the school should consider whether to contact the Education Welfare Service and seek the advice of the local authority. In some circumstances, police or community support officers could become involved. Where there is a persistent lack of parental co-operation and this is affecting the child's behaviour, the school or local authority may consider applying for a parenting order.

During the initial period of up to five school days of any exclusion, whether fixed period or permanent, the parents of the excluded pupil must ensure that he or she is not present in a public place during normal school hours without reasonable justification. This requirement applies whether or not the pupil is in the company of the parent. A failure to comply with this requirement is an offence. Parents can be given a fixed penalty notice of £50 if they fail to do this.

11. Procedures for review and appeal

Where governing bodies are notified of an exclusion, they must (whether or not the parent requests) review any exclusion which is a permanent exclusion from their school, or a fixed period exclusion that would result in a pupil being excluded for more than 15 school days in any one term, or missing a public examination.

The Trust Board must decide whether or not to reinstate the pupil, if appropriate, or whether the Head Teacher's decision to exclude the pupil was justified / appropriate. The Trust Board can delegate the function of reviewing exclusions to a committee consisting of at least three governors which may be called the Pupil Discipline Committee.

The LA must make arrangements for Independent Appeal Panels to hear appeals against permanent exclusions where the Governing Body upholds the exclusion.

Where parents (or excluded pupil, if aged 18 or over) dispute the decision of the Trust Board not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

An independent review panel does not have the power to direct the Trust Board to reinstate an excluded pupil. However, where a panel decides that the Trust Board's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct the Trust Board to reconsider its decision. If the Trust Board does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.

12. The role of Governors

Governors cannot exclude a child or ask the Head Teacher to exclude a child.

The Trust Board establishes a Pupil Discipline Committee with a quorum of 3 Governors to act for it in respect of exclusions. This committee must:

- consider any exclusion of 5 days or fewer in a term, if the parent makes representation; the governors have the discretion to meet with parents if they request such a meeting.
- convene a meeting to consider any exclusions of a pupil totalling more than 5 days but not more than 15 days in one term, but only if parent requests such a meeting.
- convene a meeting to consider all permanent exclusions.

The time scales and procedures for these meetings will comply with the statutory guidance.

The Pupil Discipline Committee can uphold an exclusion or direct the Head Teacher to reinstate the pupil.

A nominated member of the Pupil Discipline Committee is entitled to make representation to any appeal hearing.

The Community Committee is involved in reviewing the school's Behaviour Policies and Exclusions Policy.

Conclusion

Create Learning Trust will be a happy and caring community in which everyone will feel safe, secure and respected. Our pupils will be able to learn without being disturbed or distracted, play without feeling unsafe and will have respect for others' feelings, beliefs and possessions. The correct behaviour management and exclusions procedures will be followed at all times and exclusion will be used as a behaviour management strategy when it is deemed appropriate, as the last resort, when all other avenues have been explored.