

Orchard Fields Community School

Exclusion Policy

Rationale

This policy is an appendix of Orchard Fields Community School Behaviour Policy; it deals with the policy and practice which informs the school's use of exclusion. It is underpinned by the shared commitment of all members of the school community to achieve a very important aim:

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.

Introduction

The decision to exclude a child from school is a serious one. In deciding whether to do so or whether serious breaches in behaviour could be dealt with in another way, we are mindful of the guidance issued by Oxfordshire County Council as well as that issued by the DCSF.

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 pupil or others in the School.

Exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Head, the member of the Senior Leadership Team who is acting in that role).

Exclusions will 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. Before deciding whether to exclude a pupil either permanently or for a fixed period, the Headteacher/teacher in charge will;

1. Ensure that a thorough investigation has been carried out;
2. Consider all the evidence available to support the allegations, taking into account the school's behaviour and equal opportunities policies and ,

where applicable, the Race relations Act 1976 as amended and the Disability Discrimination Act 1995 as amended; Headteachers /teachers in charge and others involved in the exclusion procedures have a positive duty to promote equality;

3. Allow and encourage the pupil to give their version of events;
4. Check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment;
5. If necessary, consult others, but not anyone who may later have a role in reviewing the Headteacher's/teacher in charge's decision, eg a member of the Governing Body;
6. Keep a written record of the actions taken (and copies of written records made by other members of staff), including any interviews with the pupil concerned. Witness statements must be dated and should be signed, wherever possible.

Exclusions whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct and are infringements of the behaviour policy;

- Unacceptable behaviour which has previously been reported and for which School sanctions and other interventions have not been successful in modifying the pupil's behaviour
- Verbal or physical abuse of other pupils or school staff
- Aggression towards other pupils leading to the possibility of emotional harm
- Indecent behaviour

This is not an exhaustive list and there may be other situations where the Headteacher/teacher in charge will make the judgment that exclusion is an appropriate sanction (see appendix National standard list of reasons for exclusions).

When exclusion is not appropriate

Exclusions will not be used for;

1. Minor incidents such as failure to do homework ;
2. Poor academic performance;
3. Lateness or truancy

4. Breaches of school uniform rules or rules on appearance (eg relating to jewellery, body-piercing, hairstyles etc.);
5. Punishing pupils for the behaviour of their parents, eg where parents refuse, or are unable, to attend a meeting (guidance on working with parents is contained in the Legal Toolkit for Schools);
6. Protecting victims of bullying by sending them home.

Unofficial exclusions

If a Headteacher/ teacher in charge is satisfied that, on the balance of probabilities, a pupil has committed a disciplinary offence and needs to be removed from the school site for that reason, formal exclusion is the only legal method of removal. Informal or unofficial exclusions are illegal regardless of whether they are done with the agreement of parents or carers.

A pupil will not be sent home for disciplinary reasons for part of a school day, for a 'cooling off' period without being formally excluded as there is no basis in law for this. The relevant regulations do not state a minimum length of exclusion. If pupils are sent home in response to a breach of discipline, even for short periods of time, this will be formally recorded as an exclusion.

In the run up to a possible exclusion

In cases where an exclusion seems likely to occur, the school will;

- Try to warn parents/cares in writing that the pupil is at risk of exclusion;
- If time allows, arrange a meeting with the parents to plan how to support the pupil and avoid the need for exclusions;
- Take account of the views of the pupil;
- Keep written notes of all verbal warnings to the pupil and advice to parents and carers;
- Involve the appropriate outside agencies such as the Educational Psychologist, Behaviour Support Service, Inclusion Team etc.

Fixed Term Exclusions

A decision to exclude a pupil for a fixed period will be taken on balance of probabilities, only in response to breaches of the school's behaviour policy, including persistent disruptive behaviour, where these are not serious enough to

warrant permanent exclusion and lesser sanctions are considered inappropriate. Individual fixed term exclusions will be for the shortest time necessary.

Fixed term exclusions are limited to a total of 45 days in any one academic year for an individual pupil - not in any one particular establishment - and therefore as a receiving school or a previous school, for pupils changing establishments mid-year, we will be particularly vigilant about obtaining and sending accurate information on any previous fixed term exclusions in that academic year.

A pupil cannot be excluded for an indefinite period (eg until a meeting can be arranged) as no legal authority exists for this.

Parents will also not be asked to keep a child at home 'voluntarily'.

All fixed term exclusion letters will specify the return date and the pupil must return to school on that date. The Headteacher / teacher in charge will arrange a reintegration meeting with parents during or following the expiry of any fixed term exclusion of a pupil. If such a meeting cannot be arranged in time or the parents do not attend the fixed term exclusion will not be extended. The meeting will consider all aspects of reintegrating the pupil, including any modifications to the timetable or the provision of additional support. Any previous plans will be revised and new targets agreed.

The school is responsible for the setting and marking of work during the first 5 school days of the fixed term exclusion. During this period, parents are responsible for ensuring that the pupil is not present in a public place during normal school hours without reasonable justification. Failure to complete work does not constitute a reason for refusing to allow the pupil to return to school.

On the 6th day, schools will make arrangement to provide full-time provision (off site or in a shared provision).

If a pupil is excluded for more than 15 consecutive school days, the Headteacher will plan;

- How the pupil's education will continue during the period of exclusion;
- How the time might be used to address the pupil's problems; and
- Consider, with the LEA, what local arrangements will best help with the pupil's reintegration into school at the end of the exclusion.

The Headteacher will convene a planning meeting to discuss and make plans for the reintegration of a pupil after an extended exclusion. The meeting will make the necessary preparations for the pupil's return to school and will involve parents/carers and the pupil as well as a representative of the local authority. Parents/carers will be invited to bring a friend or a representative from Parent Partnership.

Permanent Exclusions

A decision to exclude a child permanently is a serious one and will only be taken where the basic facts have been clearly established on the balance of probability. 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 will normally be used as a last resort.

There will, however, be exceptional circumstances where, in the Headteacher's/teacher in charge's judgement, it is appropriate to permanently exclude a child for a first or 'one off' offence. These might include:

- Serious actual or threatened violence against another pupil or a member of staff;
- Sexual abuse or assault;
- Supplying an illegal drug; or
- Carrying an offensive weapon (for advice on what constitutes an offensive weapon, see *School Security - Dealing with Troublemakers - Chapter 6* at the DCSF website. Schools have the power to screen and search pupils for weapons. Guidance can be found here.

Schools should consider whether or not to inform the police where a criminal offence may have taken place. We will also consider whether or not to inform other agencies such as the Youth Offending Team or Social Care.

Local authorities are responsible for arranging suitable full-time education from day 6 of a permanent exclusion. The local authority representative will be informed at the earliest opportunity of the decision to permanently exclude a child.

The pupil's name will remain on the school roll until the appeal process has been completed. This can be:

- The day after the 15th school day after parents/carers are notified of the decision of the *Governors' Discipline Committee* to uphold the permanent exclusion. This is the date of the *Discipline Committee* meeting plus 18 school days (allowing 1 day for the letter to be issued and 2 days for postage)

or

- The date the Local Authority receives written notification that the parent does not wish to go to Independent Appeal

or

- The date on which an Independent Appeal Panel upholds the permanent exclusion

whichever is the earlier.

Exclusion Procedures

In every instance where a pupil is sent home for disciplinary reasons, Headteachers/teachers in charge must formally record and specify the length of the exclusion (on Scholarpack) and will inform the *Safeguarding Governor* and the *Chair of Governors* who will check that the school has followed the correct *Statutory Guidance (DFE Exclusions 2012)*. The *Governing body* will be informed of every exclusion and where any exclusion runs past 5 days they will check to see what and where the provision will be for the child from the 6th day.

Headteachers/teachers in charge will ensure that;

- They are meeting their legal duty of care towards pupils, and that parents are formally informed of the exclusion;
- Child protection issues are taken into account eg. 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.

Where a child is excluded and is subject to child protection or a child in need plan the social worker involved will also be informed on the day of exclusion. This will also be the case for children in care.

Headteachers, Governing Bodies, LAs and Independent Appeal Panels must, by law, have regard to the DCSF guidance when making decisions on exclusion and administering the exclusion procedures. The guidance is not exhaustive and judgements will need to take account of the circumstances of individual cases.

Where parents of an excluded pupil do not speak or have a good understanding of English, correspondence and documentation relating to the exclusion will be translated into their mother tongue. In such cases, the school and/or LA will arrange for an interpreter to be present at any meetings with the parent about exclusion.

Consideration is also given to any disability of parents eg. hearing or visual impairments and consider any appropriate support that may be needed during the exclusion process.

Monitoring and evaluating this policy

This policy will be reviewed annually by the Senior Leadership Team in school. The relevant sub-committee of the Governors will monitor the outcomes from this review alongside an annual report on the patterns of exclusion. The full Governing Body will subsequently evaluate the policy.

This policy was written in November 2016.

It will be reviewed annually in terms of monitoring its impact. There were no changes recorded in November 2017. The next review will take place in November 2018.