

# Exclusion Policy



## St Vincent's Catholic Primary School

### The School Mission Statement

*To love, serve and learn as Jesus shows us*

### DOCUMENT STATUS

<u>Drafted:</u>	<u>Last review:</u>	<u>Adopted by Governors:</u>	<u>Implemented:</u>	<u>Next review:</u>
(Following LA guidance document) September 2018 DV	January 2020	September 2018	September 2018	January 2021

## **Introduction**

This policy should be read in conjunction with the 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.

The School will undertake to ensure compliance with the relevant legislation with regard to pupil behaviour and pupil exclusion for all pupils and to ensure best practice by extending the arrangements as far as is reasonably practicable to others who may also be affected by our activities.

## **Legal framework**

This policy has due regard to the related statutory legislation, including, but not limited to, the following:

- The Education Act 2002 (as amended by The Education Act 2011)
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (as amended 2014)
- The European Convention on Human Rights (ECHR)
- The Equality Act 2010

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2017) 'Exclusion from maintained schools, academies and pupil referral units in England'
- DfE (2016) 'Behaviour and discipline in schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'

## **Key Principles**

In order to fulfil our Mission Statement, it is important that the highest standards of behaviour are expected of all children and adults within the school. Our behaviour policy sets out how this will be achieved and maintained and our Exclusion Policy supports this.

Key Principles on which our Behaviour and Exclusion policies are based:

- Everyone has a right to be safe and treated with respect.
- The positive approach of praise, encouragement and the raising of self-esteem will form the basis of this policy rather than the more negative one of criticism and punishment, although sanctions for unacceptable behaviour are necessary.
- Pupils should be supported to develop a sense of self-discipline, thereby encouraging all children to be responsible for their own actions.

- All members of our school community should be fair, polite, loving, obedient and respectful to each other
- Positive behaviours should be rewarded and celebrated.
- An understanding of consequences for actions, both positive and negative must be developed.
- Adults in school should be role models of exemplary behaviour.
- A positive, safe and orderly community should be established and maintained, in which effective learning can take place; everyone is enabled to reach their full potential; there is mutual respect for all members; and where there is proper concern for the environment.
- There must be consistency in both rewarding positive behaviour and addressing unacceptable behaviour.
- Parental involvement is key

The Governing Body recognise that it is unlawful to take into account 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 St Paul of the Cross Catholic Primary School should suffer discrimination, either directly or indirectly, or harassment on any of these grounds.

We aim to include, not exclude, and we approach all challenging behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can go through times of inappropriate behaviour, and we strive to never "give up" easily on a child as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this.

A decision to exclude a pupil, either for a fixed period or permanently is seen as a last resort by the school. The physical and emotional health of our children and staff is our primary concern, and we therefore accept, that in some rare situations, exclusion may be necessary, if all other strategies have been exhausted.

The school is responsible for communicating to pupils, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct. These are:

- Behaviour Policy;
- Anti-Bullying Policy.

No exclusion will be initiated without first exhausting other strategies or, in the case of a serious single incident, a thorough investigation.

### **Alternatives to exclusion**

In addition to the strategies outlined in the Behaviour Policy, the following alternatives to exclusion may also be considered appropriate:

### **Risk Assessment**

When a child has a significant number of exclusions or safeguarding incidents in school there should be a stringent risk assessment put in place to manage this child so that the school staff are clear about the risk this child presents to his/herself, other children and staff within the school environment. There is an example of a risk attached (Appendix B).

If a stringent and clear risk assessment is put in place by school this may help to deter unnecessary fixed term exclusions and keep the child in school. It is good practice to involve the parent/carer and key members of staff in the process.

### Part time timetable

Where appropriate, school may consider a part-time timetable for children who are struggling to maintain time in school due to their behaviour. This should be with the agreement of the parent/carer and considerations should be made about the child's home life. A part time timetable is not a long term solution for any child and ideally a child should remain in school full time. However, if a part time table is put in place it should be for no longer than 1 month and plans should be made for the child to integrate back into school on a full time basis as soon as possible.

### Behaviour support services

Warrington Borough Council no longer has a dedicated Behaviour Support Team to work with children who are in danger of being permanently excluded or have a series of fixed term exclusions. The home school is expected to commission this support from their budget. There are several independent behaviour support professionals in Warrington who are non-council funded which schools can purchase. For those cases where it is appropriate, it is recommended that expertise is identified in the area of behaviour to improve the outcomes for children who are on the verge of a permanent exclusion or are being excluded consistently for behaviour.

### Waived approach to behaviour

Please see Appendix C for possible behaviour strategies that can be used when addressing challenging behaviour.

### Managed move

In cases where the Head Teacher 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 has treated the school or members of its staff unreasonably, the Head Teacher may require the parents to remove the pupil at the end of a term. This is not exclusion and in such cases the Head Teacher may assist the parents in placing the pupil in another school.

### **Making the decision to exclude**

The Department for Education have not created specific guidance for fixed term exclusions, however clear advice is given in the *Exclusion from maintained schools, Academies and pupil referral units in England* (Department for Education, September 2017), which states that 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).

The Local Authority Education Safeguarding Team has responsibility for supporting schools with permanent exclusions and fixed term exclusions from all Warrington schools. The Education Safeguarding team offer support and challenge to schools, where appropriate, when schools are

considering an exclusion of one of their pupils. Key to this process is early intervention and all schools are encouraged to access information, advice and guidance from the Local Authority and other appropriate services as early as possible, prior to making decisions to exclude a pupil.

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. Before deciding whether to exclude a pupil, either permanently or for a fixed period, the head teacher must ensure the following:

1. Ensure that an appropriate investigation has been carried out.
2. Consider all the evidence available to support the allegations, taking account of the school's behaviour and equal opportunities policies, and, where applicable, the Equality Act 2010.
3. Allow the pupil to give his or her 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 head teacher's decision, for example a member of the Governors' Discipline Committee.

### **Exclusion procedure**

- If a child has received a fixed term exclusion, parents must be informed as soon as possible ideally in person or over the telephone.
- This will be followed up by a letter from school outlining the reasons for the exclusion and its length (See Appendix A)
- For the first five days, the parent is responsible for their child and must make sure they are not in a public place during school hours.
- Parents must be advised that the pupil is not allowed on the school premises during the exclusion period
- School will set and mark work during this time. If the fixed term exclusion is longer than 5 days, school must arrange full-time alternative education from day 6.
- Most exclusions are of a fixed term nature should be for a short duration.
- Ofsted evidence suggests that 1-3 days is often long enough to secure the benefits of exclusion without adverse educational consequences; any longer than this could make it more difficult for the pupil to reintegrate into the school.
- The Government regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.
- Exclusions may not be given for an unspecified period, for example until a meeting can be arranged. Such a practice amounts to an indefinite exclusion, for which no legal arrangements exist.
- When the child returns to school there will be a reintegration meeting to discuss how everyone can work together to avoid further problems in school.

- Parents have the right to appeal the decision to exclude their child for a fixed term. This appeal must be done in writing, and the appropriate Governor Appeals Committee must then convene to make a decision regarding this appeal within 50 days of the parent's notification that they would like to appeal.
- If a child is excluded on three occasions, then this should be considered as a potential trigger point for an Early Help assessment for this child.
- The Governors have established arrangements to review promptly all permanent exclusions from the School and all fixed term exclusions that would lead to a student being excluded for over 15 days in a school term or missing a public examination (Warrington LA guidelines are followed)
- The Governors have established arrangements to review fixed term exclusions which would lead to a student 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
- When a pupil is excluded temporarily, he/she should be marked as absent the appropriate code on SIMS.

### **Permanent Exclusion**

The decision to exclude a student permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered:

1. The final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying).
2. When a serious criminal act has been committed, the school will involve the police in any such offence.

### **Behaviour outside school**

- Pupils' behaviour outside school on school business e.g. on school trips, at sports fixtures, 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.

### **When is exclusion not appropriate?**

Exclusion should not be used or extended for non-disciplinary reasons such as:

- truancy or lateness
- minor incidents such as failing to do homework
- simply because the school feels a student has additional needs or a disability it is unable to meet
- poor academic performance, except where pupils repeatedly disobey academic instructions
- breaches of school rules on uniform and appearance, except where such breaches are so persistent they constitute open defiance of school punishing pupils for the behaviour of their parents, for example where parents refuse or are unable to attend a meeting
- the failure of a pupil to meet specific conditions before they are reinstated.

Even if there is parental agreement with the exclusion, exclusion for these reasons remains unlawful.

The Head Teacher may send a pupil home, after consultation with that pupil's parents and a health professional as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff, for example because of a diagnosed illness such as a notifiable disease. This is not an exclusion and should be for the shortest possible time.

### **Equality**

Under the Equality Act 2010 schools must not discriminate against, harass, or victimise pupils because of their: sex, race, disability, religion or belief, sexual orientation, because of a pregnancy/maternity, or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices.

The Equality Act requires schools to have due regard for the need to:

- eliminate discrimination and other conduct prohibited under the Equality Act,
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations across all characteristics – between people who share a protected characteristic and people who do not.

These duties need to be taken into account when deciding whether to exclude a pupil. Schools must ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Provisions within the Equality Act 2010 allow schools to take positive action to deal with particular disadvantages affecting one group, where this can be shown to be a proportionate way of dealing with such issues.

Head teachers and governing bodies must take account of their statutory duties in relation to special educational needs when administering the exclusion process. This includes having regard to the SEN Code of Practice.

The school has a right to direct a pupil off-site for education to improve his or her behaviour. A pupil can also transfer to another school as part of a managed move where this occurs with the consent of the parties involved, including the parents.

### **Vulnerable learners – students for whom guidance gives particular protection**

Statutory guidance identifies a number of groups of pupils for whom the exclusion rate is consistently higher than average. This includes:

- Pupils with SEN;
- Pupils eligible for Free School Meals;
- Looked after children, and
- Pupils from certain ethnic groups (the groups with the highest national rates of exclusion are: Gypsy/Roma, Travellers of Irish Heritage, and Black Caribbean communities)

Statutory guidance stresses the importance of early intervention in addressing underlying causes of all disruptive behaviour. For students with SEN or a disability the intervention should include an

assessment of whether appropriate provision is in place. Head teachers are advised to also consider the use of a multi agency approach for all students who demonstrate persistent disruptive behaviour.

For pupils in the groups identified above, in addition to early intervention, head teachers should consider what extra support might be needed to identify and address their needs in order to reduce their risk of exclusion.

The stipulations of the Equality Act 2010, covered above, detail the factors, and duties, for which schools should have due regard. As stated, schools must ensure their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Provisions within the Equality Act allow schools to take positive action to deal with particular disadvantages affecting on group, where this can be shown to be a proportionate way of dealing with such issues. Such guidance clearly has particular relevance for the following:

#### Pupils with Special Educational Needs and / or Disabilities

The school must take account of any special educational needs when considering whether or not to exclude a pupil. Guidance states that schools should as far as possible avoid permanently excluding children with a Statement of SEN or an EHC Plan. Where there are concerns about a pupil a Statement of SEN or EHCP, should engage proactively with parents in supporting behaviour. A school should also consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN. Where a pupil does have a Statement of SEN or and EHCP, schools should consider requesting an early annual review or interim/emergency review.

Schools have a statutory duty under the Equality Act 2010 not to discriminate against pupils on the basis of protected characteristics, such as disability. For disabled children this includes a duty to make reasonable adjustments to policies and practices. We have a legal duty under the Disability Discrimination Act 2005 as amended not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability. The Head Teacher should ensure that reasonable steps 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.

#### Looked after children

As far as possible, schools should avoid permanently excluding looked after children. Where a school does have concerns about the behaviour of a looked after child, it should co-operate proactively with foster carers or children's home workers and the local authority that looks after the child. It should also consider what additional support or alternative placement may be required.

#### Students from ethnic minorities

Schools have a statutory duty under the Equality Act 2010 not to discriminate against pupils on the basis of protected characteristics, such as race. Schools should monitor and analyse exclusions by ethnicity to ensure they do not treat some groups of pupils more harshly than others. Schools are required to assess whether policies that lead to sanctions, including exclusion, have a disproportionately adverse impact on pupils from particular racial groups. If an adverse impact is identified that cannot be justified, then the policy and practice should be reviewed.



### **Safeguarding**

An exclusion will not be enforced if doing so may put the pupil at risk. In cases where parents will not comply by, for example, refusing to collect the child, the child's welfare is the priority. In this situation, depending on the reason for exclusion, the school may consider an internal exclusion until the end of the day, implementing the original exclusion decision from the time the child is collected from school, or, in more severe circumstances the school may contact Social Services and/or the Police to safely take the pupil off site.

### **Monitoring and support**

The Local Authority monitor fixed term exclusions in Warrington Schools. The purpose of this is to support schools with significant numbers of exclusions so that alternatives can be used which will hopefully reduce the number of exclusions in all schools where appropriate.

The Local Authority also provides training to support schools in managing exclusions.

This Policy will be monitored and reviewed by the Head Teacher and Governing Body annually.

## Appendix A: Model letter for fixed term exclusions (Print on school letter head paper)

Dear

I am writing to inform you of my decision to exclude (name of child) for a fixed period of (no.) day/s. This is due to the incident on (date). This means that he/she will not be allowed in school for this period. The exclusion began on (start date) and ends on (end date). I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude (name of child) has not been taken lightly. (Name of child) has been excluded for this fixed period because of (incident details) and the concerns for his/her safety and the safety of others.

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on (date/s of exclusion) unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on this/these dates. If so, it will be for you to show reasonable justification. We will set work for (name of child) to be completed on the day/dates specified in the previous paragraph as it is a school day. You must ensure that he/she is not present in a public place without reasonable justification. Please ensure that work set by the school is completed and returned to us on his/her return to school.

You have the right to make representations about this decision to the governing body. If you wish to make representations please contact (chair of governors details) as soon as possible. Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the Special Educational Needs and Disability Tribunal within 6 months of the exclusion: [www.tribunals.gov.uk/Tribunals/Firsttier/htm](http://www.tribunals.gov.uk/Tribunals/Firsttier/htm)

You and (name of child) are requested to attend a reintegration interview with me (Head teacher name and address) on (date of re-integration). The purpose of the reintegration interview is to discuss how your child's return to school can be best managed. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy of (name of child) school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of (name of child) school record. I will be happy to supply you with a copy if you request it.

You may also wish to contact Rose Clark at Warrington Local Authority on (01925) 442428, who can provide advice. You may find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com). The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January. ACE education runs a limited advice line service on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>

(Childs name) exclusion expires on 2018 and we expect (name of child) to be back in school on(date).

**Appendix B: Example Risk Assessment**

<b>School</b>	<b>Location:</b>	<b>Date of Assessment:</b>	<b>Review Date:</b>
<b>Name of Assessor:</b>	<b>Position of Assessor:</b>	<b>Signature:</b>	

**Title and Reference Number of Task:**

<b>Hazard</b>	<b>Persons at Risk</b>	<b>Potential Harm</b>	<b>Existing Control Measures</b>	<b>Risk Rating (H/M/L)</b>	<b>Further Action Required</b>	<b>Residual Risk (H/M/L)</b>

## Appendix C

### Waved approach to behaviour – Primary and Secondary Settings

<a href="#">LEVEL 1</a> Are we getting it right for 99%?	<a href="#">LEVEL 2</a> How do we do it differently for some?	<a href="#">LEVEL 3</a> What are we doing to support each other? What is out there for our child to succeed in our school?	<a href="#">LEVEL 4</a> What alternative provision is needed for our child to succeed?
<p><b>TEACHING</b>  <b>Quality first practice is delivered</b></p> <ul style="list-style-type: none"> <li>Expectations sanctions and rewards are displayed clearly and applied consistently by all.</li> <li>Classroom adults model expected behaviours</li> <li>Learning environment is clean and organised</li> <li>Teachers know their pupils well including any SEN.</li> <li>Differentiation</li> <li>Merited praise</li> <li>Provide opportunities to succeed</li> <li>Evidence of planning for behaviour (class plans)</li> <li>Constant reflection and evaluation.</li> <li>Use of de-escalation techniques</li> <li>Staff provide regular feedback to parents – both good and bad</li> </ul> <p><b>POLICY</b></p> <ul style="list-style-type: none"> <li>Clear and concise</li> <li>Informed by all stakeholders</li> <li>Understood by staff</li> <li>Clear expectations for staff and pupils</li> <li>Consistent implementation of policy by all</li> <li>Visual and available to all</li> </ul> <p><b>LEADERSHIP</b></p> <ul style="list-style-type: none"> <li>Evidence of effective self evaluation (behaviour focused learning walks)</li> <li>Lead Governor for behaviour</li> <li>Challenge applied by Governors</li> <li>Strong middle leaders</li> <li>Visible leaders who model expected behaviours</li> <li>Learning environment is well maintained</li> </ul> <p><b>OUT OF THE CLASSROOM</b></p> <ul style="list-style-type: none"> <li>Well trained staff supervise pupils at social times.</li> <li>High visibility of school adults before, during and after the school day.</li> </ul>	<p><b>INDIVIDUAL SUPPORT</b></p> <ul style="list-style-type: none"> <li>Buddy systems</li> <li>Peer Support</li> <li>Changes to deployment of support staff</li> <li>Breakfast club</li> <li>Lunch time provision</li> <li>Targeted SEN support</li> <li>Chunked activities</li> <li>Social Skills groups</li> <li>Individual visual prompts</li> <li>Modified timetable</li> <li>Change routines</li> <li>Individual achievable SMART targets</li> <li>Circle of friends</li> <li>Risk assessments</li> </ul> <p>We must:</p> <ul style="list-style-type: none"> <li>Analyse patterns of behaviour, attendance and safeguarding to identify triggers and baselines (BOXALL/SDQ)</li> <li>Proactively share information</li> <li>Commence chronology and evaluation of interventions</li> <li>Celebrate success</li> </ul> <p><u>These targeted, appropriate interventions should close the gap. If there is no progress evidenced when evaluated move to Level 3.</u></p> <p><u>If Level 2 fails for more than 2% of pupils go back to Level 1</u></p>	<ul style="list-style-type: none"> <li>Cross school peer to peer support.</li> <li>Contact your adviser/ EST for signposting and support</li> <li>School Health support</li> <li>Regular and effective reviewing and planning with parents/carers and pupils</li> <li>Educational Psychology advice</li> <li>Continued SEN assessment</li> <li>Costed provision map</li> </ul> <p>Outreach support</p> <ul style="list-style-type: none"> <li>SEMH Lead Teachers / ASD Specialists</li> <li>Parent Partnership</li> <li>Family Support Model</li> <li>NSPOC</li> <li>St Josephs</li> <li>CAMHS</li> <li>New Horizons</li> <li>Play Therapy</li> <li>Woolston Brook School</li> <li>Oakwood Avenue Primary</li> <li>Designated Provisions</li> <li>Multi agency working</li> </ul> <p>(Internal exclusion, withdrawal from class may be used at this time as a behaviour management tool)</p> <p>Schools should also reference the following documents;            SEMH Descriptors (Element 2 and 3)            Vulnerable Pupils Guide            Public Health documentation            (links to be added)</p>	<p><u>This level dovetails with Element 3 in the SEMH descriptors. In particular this level will only be appropriate where a young person's difficulties are severe, long term and complex.</u></p> <p>Potential outcomes of EHCP</p> <ul style="list-style-type: none"> <li>No EHCP – <a href="#">Go back to Level 2/3</a></li> <li>Assessment Place</li> <li>Increased school capacity to meet needs</li> <li>Change of provision</li> </ul>
		Consideration for EHCP application	EHCP application submitted if appropriate
Offer of Early Help or CAF if appropriate			
Appropriate training for all staff			
Evidence of pupil and parent/carer voice throughout informing provision			

1. The fact that a child's behaviour may have a detrimental effect on the education or welfare of other children may not itself define a special educational need, although it should be taken into account when decisions are made concerning appropriate provision within school. Exclusion from school does not constitute evidence of intervention for an EHCP. (SEMh descriptors document)

2. It is unlawful to exclude or to increase the severity of an exclusion for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet. DfE guidance 2014