

Upper Shirley High: Exclusion Policy

Section 1: Introduction

Upper Shirley High is committed to inclusion. We strive to challenge and support every student, nurturing individual talent. However, for some serious incidents of poor behaviour (such as verbal or physical abuse to another member of the school community, or a serious one off incident), the Headteacher may resort to excluding students, either for a fixed term or permanently.

The purpose of this policy is to ensure that there are systematic and consistent procedures and expectations regarding the exclusion of any student from our school. This policy should be read in conjunction with:

- our Teaching and Learning policy which outlines how we challenge our students to achieve
- our Relationships policy that explains our use of Restorative Practice to help our students make the correct choices
- our Special Educational Needs and Inclusion policy which states our responsibilities and procedures in supporting any students who have been identified as having additional learning needs.

Consultation:

This policy was created by the Leadership Team using key guidance from the Local Authority. It was also informed by *'Exclusion from Maintained Schools, Academies and Pupil Referral Units in England (DfE June 2012) ("DfE Guidance")*.

Section 2: Procedures and practice

Only the Headteacher can take the decision to exclude. The decision must be lawful, rational, reasonable, fair and proportionate.

The student will be given the opportunity to present their case before the decision to exclude is made by the Headteacher.

The Headteacher will take account of any contributing factors e.g. bereavements, bullying, mental health issue and should also take into account of early intervention measures/use of multi-agency assessments etc..

Before taking an exclusion decision, the Headteacher will also have due regard to the following (in accordance with the DfE Guidance):

- for groups with high exclusion rates (students with SEN, students eligible for Free School Meals, Looked After Children, students from different ethnic groups, students who have English as an Additional Language);

- that additional support or alternative placement may be required for a student with a Statement of SEN/EHC Plan or a Looked After Child; and
- that the permanent exclusion of a student with a Statement of SEN/EHC Plan or a Looked After Child should, as far as reasonably possible, be avoided.

The decision to exclude will only be taken for a disciplinary reason and all exclusion decisions will be formally recorded.

The school shall act and shall ensure that the Headteacher shall act in accordance with the law and the DfE Guidance.

Actions Taken Following a Serious Incident

- Written details of the incident are collected from those involved before any decision is made. Statements will be taken from students as well as any adults that were present.
- The parent/carer is telephoned by a senior member of staff to outline the incident
- In the case of students with a statement of SEN, all information will be logged and discussed with the SEN team or Parent Partnerships as required.
- As a result of the investigation, it may be determined that an Internal Exclusion within the school's Internal Exclusion Room may be appropriate. Parents will be informed by phone call and letter to confirm the arrangements for this. Students will be given school work to complete as well as time to reflect upon the behaviour and the choices that were made.

Fixed Term Exclusions:

If a decision is taken to exclude a student for a fixed term:

- A phone call will be made to the parents to ensure they understand why the school has taken this decision and to highlight what happens next.
- A letter will be sent home outlining the incident and the length of the fixed term exclusion. The parents' rights and duties will be highlighted.
- A meeting is set up for the parent/carer and student to attend on return from exclusion, with a senior member of staff.
- Where appropriate, external agencies will be contacted to look for support where required.

Following this meeting:

- The student is reinstated
- The student may be placed on a Target for Success Card
- Behaviour support and 'reasonable adjustments' will be reviewed and linked to support from the Guidance team, either in lessons or at social times.
- Where appropriate, an apology is given to the member or staff or other students involved
- A record of the exclusion and meeting is kept in the student's file.

In accordance with the requirements set out in the DfE Guidance, the governing body will be notified and a meeting will take place to consider the reinstatement of the student if the fixed term exclusion would bring the student's total number of school days of exclusion to more than fifteen (15) in one term.

Permanent Exclusions:

Permanent exclusion should be a last resort and will usually be taken:

- In response to a serious breach, or persistent breaches, of this policy; and
- Where allowing the student to remain in the school would seriously harm the education or welfare of the student or others.

The procedures above regarding investigation and communication with parents will take place (as outlined above).

The National Standard list of reasons for permanent exclusions is:

- Physical assault against a student
- Physical assault against an adult
- Verbal abuse/threatening behaviour against a student
- Verbal abuse/threatening behaviour against an adult
- Bullying
- Racist abuse
- Sexual misconduct
- Drug and alcohol related incidents
- Damage
- Theft
- Persistent, disruptive behaviour
- Other (only in exceptional circumstances)

The school will do everything possible to avoid the permanent exclusion of a Looked After Child. All staff involved are expected to be proactive in working with the young person, carers and social workers in doing everything possible to avoid excluding a Looked After Child.

Parents' Responsibilities:

There is a duty on parents to ensure that an excluded student of compulsory school age is not in a public place during school hours without reasonable justification, or a fixed penalty could be imposed. Parents will be informed of their duties in the exclusion letter sent by the school.

Continuing Education during the Exclusion Period

For the first five days of a fixed term exclusion, USH will set work appropriate to the student's age and ability. Where a student is given a fixed exclusion of six days, the school has a duty to arrange suitable off-site full-time educational provision from and including the sixth day of exclusion as day one. With reference to permanent exclusions, USH will set work as described above for the five days following a permanent exclusion.

The Headteacher may impose a fixed-period exclusion which may lead to a permanent exclusion, depending on the outcome of an on-going investigation and/or further consideration of the case. If this is a possibility it will be mentioned in the letter to parents notifying them of the fixed-term exclusion. If a permanent exclusion is subsequently imposed, this is a separate exclusion event. Therefore, if a permanent exclusion follows a five day fixed-term exclusion, the responsibility of the

school for the first five days of the permanent exclusion would be to set work as described above and not find suitable alternative provision.

Student Discipline Committee:

When the Headteacher decides to permanently exclude a student, the school must set up a Student Discipline Committee to review the case within 15 school days of the notice of exclusion being received. The panel is constituted of 3 members of the governing body supported by a fully trained clerk.

The parents/guardians of the student must be invited to the Student Discipline Committee and are entitled to be accompanied by a friend or representative.

In advance of the Student Discipline Committee the Headteacher will prepare an exclusion report which explains why the student was excluded. This will also be sent to the Team Manager for Inclusion Services who will also advise the Student Discipline Committee.

The report that is sent to all parties will include:

- A profile sheet including basic information about the student
- An overview of the case including a detailed account of the reason(s) for the exclusion
- Confirmation that the current DfE exclusions guidance has been adhered to
- Where relevant, details of any behaviour modification strategies which have been used
- An indication of how the sanction applied is consistent with the School's Relationship Policy
- Alternative sanctions that were considered (if applicable)
- In the case of a student with SEN, or a looked-after or disabled student, that the relevant DfE guidance was considered before the decision to exclude was taken
- That in reaching the decision, equal opportunity legislation was complied with.

The Student Discipline Committee will review the decision to exclude and the basis that it must be lawful, reasonable and procedurally fair.

The governing body can decide to uphold the exclusion or direct the reinstatement of the student.

Clear minutes must be taken of the meeting and made available to all parties on request.

All parties must be notified of the reasons for the decision in writing without delay.

Parents/guardians must be made aware of their right to appeal the decision.

Independent Review Panels

In accordance with DfE Guidance, the school shall carry out its functions to establish and manage the appeal procedure for exclusions.

Independent Review Panels must be impartial and constituted in accordance with the detailed provisions of the DfE Guidance. The school shall arrange suitable training for appeal panel members and clerks as needed. Where requested by the parent, a SEN expert will be appointed by the school to advise the Independent Review Panel.

The role of the Independent Review Panel is to review the governing body's decision, not to reinstate the student. The panel can decide to uphold the exclusion decision, recommend the

governing body reconsiders their decision or quash the decision and direct the governing body to consider the exclusion again (only where the governing body's decision was flawed when considered in the light of principles applicable to judicial review).

The Independent Review Panel's decision is final and binding on all parties. There is no further right of appeal against the decision of an Independent Review Panel. A parent/guardian may seek a Judicial Review of an Independent Review Panel's decision and an application to do this should be made within three months of the panel's decision.

If the parent/guardian believes that there has been maladministration in the conduct of the review hearing this should be raised with the Education Funding Agency at www.education.gov.uk

Section 3: Concluding notes:

Monitoring and Review:

The Local Governing Body will be responsible for monitoring the implementation of this policy alongside the Deputy Headteacher with oversight for Personal Development, Behaviour and Welfare (PDBW). Key data regarding any exclusions will be reported to the Governing Body once a term. The Governor responsible for Safeguarding and exclusions will be notified of all Fixed Term and Permanent exclusions.